

1 STATE OF CALIFORNIA  
2 CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
3 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
4 LOS ANGELES REGION  
5  
6 REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS  
7 SPECIAL BOARD MEETING  
8 Thursday, July 24, 2003  
9 9:13 A.M.  
10  
11 The Metropolitan Water District  
12 Of Southern California  
13 Board Room  
14 700 North Alameda Street  
15 Los Angeles, California  
16  
17 BOARD MEMBERS PRESENT:  
18 SUSAN M. CLOKE, Chair  
19 FRANCINE DIAMOND, Vice-Chair  
20 JULIE C. BUCKNER-LEVY  
21 R. KEITH McDONALD  
22 H. DAVID NAHAI  
23 TIMOTHY J. SHAHEEN  
24  
25 Reported by: NEALY KENDRICK, CSR 11265  
Job No.: 03-25314

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3	6. Consideration of non-NPDES requirements -	
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5	Board will be asked to adopt or rescind the	
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1       LOS ANGELES, CALIFORNIA; THURSDAY, JULY 24, 2003

2                               9:13 A.M.

3

4               CHAIRPERSON CLOKE: We will begin with the  
5 staff report on the Sunshine Canyon Landfill.

6               MR. DICKERSON: We need to have the statement  
7 read, please.

8               CHAIRPERSON CLOKE: Thank you, Mr. Dickerson.

9               MS. HARRIS: This is a public hearing to  
10 consider adoption by this Board, in accordance with  
11 State law water -- excuse me -- waste discharge  
12 requirements for discharges to waters of the State.

13                       Item 6 -- Sunshine Canyon City  
14 Landfill. A notice of this hearing and of the  
15 Board's intent to prescribe Waste Discharge  
16 Requirements was duly noticed. Copies of the  
17 tentative order were sent to the permittee and other  
18 interested persons.

19                       The order of presentation of testimony  
20 at this hearing will be Board staff, the permittee,  
21 and other interested persons and groups. All persons  
22 appearing before the Board today should leave written  
23 copy of their testimony, if available. The Board  
24 will consider all testimony. However, in the  
25 interests of time, it is requested that all

1 repetitive and redundant statements be avoided.

2                   Madam Chair, will you now please open

3 the hearing and administer the oath.

4           CHAIRPERSON CLOKE: Thank you, Mrs. Harris.

5 This is the Item 6.1 -- Consideration of Waste

6 Discharge Requirements. Sunshine Canyon City

7 Landfill.

8                   Will everyone preparing to testify

9 today, please stand and take the oath. If you want

10 to speak today, please stand. Raise your right

11 arm -- hand and repeat after me: I promise --

12           PROSPECTIVE SPEAKERS' VOICES: I promise --

13           CHAIRPERSON CLOKE: -- to tell the truth --

14           PROSPECTIVE SPEAKERS' VOICES: -- to tell the

15 truth --

16           CHAIRPERSON CLOKE: -- the whole truth --

17           PROSPECTIVE SPEAKERS' VOICES: -- the whole

18 truth --

19           CHAIRPERSON CLOKE: -- and nothing but the

20 truth --

21           PROSPECTIVE SPEAKERS' VOICES: -- and nothing

22 but the truth --

23           CHAIRPERSON CLOKE: -- under penalty of

24 perjury.

25           PROSPECTIVE SPEAKERS' VOICES: -- under

1 penalty of perjury.

2 CHAIRPERSON CLOKE: Thank you.

3 Mr. Dickerson, are you going to start  
4 the staff report?

5 MR. DICKERSON: Thank you, Madam Chair. Good  
6 morning, Members of the Board. For the record, I'm  
7 Dennis Dickerson, Executive Officer of the Regional  
8 Board.

9 And I'll be briefly presenting the  
10 tentative Waste Discharge Requirements, abbreviated  
11 as "WDRs," for the proposed Sunshine Canyon Landfill  
12 City expansion. For convenience, during the rest of  
13 the presentation, I'll refer to the term "Permit"  
14 instead of "WDRs."

15 And before I go any further, really  
16 want to acknowledge the staff who have been involved  
17 in preparing this proposed tentative permit for you.  
18 Dr. Wen Yang is a registered geologist and a  
19 registered hydrologist -- excuse me -- hydrogeologist  
20 and a certified engineering geologist. He has been  
21 the principal staff member who has been working on  
22 developing this draft permit.

23 Mr. Rod Nelson is Chief of the  
24 Landfill Unit. And he is a registered geologist and  
25 a certified engineering geologist and is -- both of

1 those gentlemen are presently responsible for the  
2 development of this draft document. And I would note  
3 that I'm mostly the spokesperson today. Mr. Nelson  
4 will be available for questions following my  
5 presentation.

6                   Sunshine Canyon Landfill is located at  
7 the border between the City of Los Angeles and the  
8 unincorporated territory of Los Angeles County to the  
9 west of the intersection of the Golden State  
10 Freeway -- I-5 -- and the Antelope Valley State Route  
11 14 Freeways.

12                   The facility is surrounded by the  
13 Santa Susana mountains to the north and the west and  
14 the communities of Granada Hills and Sylmar to the  
15 south and east. The O'Melveny Park in the City of  
16 Los Angeles is located to the west and southwest of  
17 the landfill property while the Balboa inlet tunnel  
18 and Los Angeles reservoir are located to the east and  
19 southeast of the landfill.

20                   Water from the California aqueduct  
21 flows through the tunnel to the Jensen (phonetic)  
22 filtration plant and is stored in the reservoir,  
23 which is approximately a mile and a half from the  
24 entrance to the landfill.

25                   The Sunshine Canyon Landfill includes

1 two separate Class III municipal solid-waste  
2 management units, referred to as the Sunshine Canyon  
3 City -- City Side Landfill and the Sunshine Canyon  
4 County Extension Landfill, respectively.

5                   The red line that you see is the  
6 border between the City of Los Angeles and the  
7 unincorporated County of Los Angeles.

8                   Under current regulation, Class III  
9 landfills are those landfills that receive only  
10 nonhazardous municipal solid waste, or regular trash.  
11 Both the City Side Landfill and the County Extension  
12 Landfills are owned and operated by Browning Ferris  
13 Industries of California.

14                   The next photograph is a recent  
15 picture of the City Side Landfill. This landfill  
16 began accepting solid waste in 1958, and it ceased  
17 operations in September of 1991.

18                   As is the case with most Class III  
19 landfills operated during this time, the City Side  
20 Landfill was not equipped with any of the protective  
21 measures required today to contain and remove  
22 contaminants from the landfill, which is to say that  
23 garbage that was collected was placed directly on the  
24 ground and then covered.

25                   The final cover of the City Side



1 Landfill consists of a soil cover with a minimum  
2 thickness of six feet.

3                   The next photo is of the County  
4 Extension Landfill, which is currently open and  
5 operating. The County Extension Landfill began  
6 operation in 1996 and will reach its capacity in  
7 about three to four years.

8                   It currently receives an average of  
9 6,000 tons of municipal solid waste per day. Unlike  
10 the City Side Landfill, the County Extension Landfill  
11 has been constructed to meet federal and state  
12 standards for Class III landfills and is equipped  
13 with a composite liner and a leachate-collection-and-  
14 removal system.

15                   Landfills in California are mainly  
16 regulated by the California Integrated-Waste  
17 Management Board and the State Water Resources  
18 Control Board through the regional boards.

19                   The Waste Board and its local  
20 enforcement agencies -- in this case, the City of  
21 Los Angeles and the County of Los Angeles -- through  
22 the issuance of solid-waste facility permits, are  
23 responsible for regulating the daily operations of  
24 landfills such as waste-disposal activities, load  
25 checking, dust control, traffic control, nuisance

1 control, and the like.

2                   The Waste Board is also the lead for  
3 the use of alternative daily covers at Class III  
4 landfills. And the Waste Board recently adopted  
5 those City Landfill expansions. The Regional Board,  
6 by adopting a tentative permit, is responsible for  
7 regulating construction of liners, leachate-  
8 collection-and-removal systems, water-quality  
9 monitoring, and the final closure of the landfill.

10                   Board staff reviews monitoring reports  
11 from landfill operators. And regular inspections  
12 ensure that they are in compliance with the WDRs; and  
13 when not, enforcement action is taken. Currently  
14 there are several WDRs, or permits, that have been  
15 adopted for the Sunshine Canyon Landfills as  
16 described in the next few slides.

17                   The permit for the inactive City Side  
18 Landfill -- Board Order 87-158 -- was adopted in  
19 November of 1987 for landfill operations. This  
20 permit needs to be revised to reflect the current  
21 status of the landfill such as postclosure  
22 maintenance.

23                   The tentative WDRs, or tentative  
24 permits -- excuse me -- include provision for the  
25 existing landfill. The adoption of the tentative

1 permit would therefore rescind the previous order.

2                   The current Regional Board permit for  
3 the County Extension Landfill was adopted on -- in  
4 July of 1991. Besides the site- specific permit, the  
5 County Extension Landfill is also regulated by Board  
6 Order 93-062, which is commonly referred to as the  
7 "Super Order." And that was adopted in 1993.

8                   That order contains federal solid-  
9 waste-disposal regulations and is applicable to all  
10 Class III landfills in this region that are active  
11 since October of 1991.

12                   The Super Order was not applicable to  
13 the City Side Landfill because it stopped accepting  
14 waste before the federal deadline. However, if the  
15 proposed expansion's approved, all federal  
16 regulations in the Super Order will be applicable to  
17 the City Landfill expansion.

18                   The entire Sunshine Canyon Landfill is  
19 also regulated by a general stormwater NPDES permit  
20 for industrial activities for the discharge of  
21 stormwater at the site. The stormwater permit  
22 requires the facility to implement best stormwater  
23 management practices to protect stormwater discharges  
24 from the site from being contaminated by landfill  
25 operations.

1                   For any major construction project,  
2   such as the -- the -- excuse me -- the development of  
3   landfills of 5 acres or larger, the facility is also  
4   regulated by a general NPDES stormwater permit that  
5   is specifically issued for construction activities.

6                   Since 1987, there have been nine  
7   violations of Regional Board permits at the two  
8   landfill units of Sunshine Canyon Landfill. At the  
9   City Side Landfill, there have been five violations  
10  for improper site operations and late report  
11  submittal and one noncompliance for the detection of  
12  volatile organic compounds in groundwater.

13                  At County Extension Landfill, there  
14  have been two violations for improper site operation  
15  and one noncompliance for the detection of VOCs in  
16  the subdrain water. All violations were corrected  
17  after notification by Board staff.

18                  Two cases of noncompliance involved  
19  the detection and remediation of landfill-related  
20  pollutants in groundwater and subdrain water and will  
21  be discussed in detail later in this presentation.  
22  And I would note at this time that there was a  
23  cleanup and abatement order issued for this facility  
24  in 2002.

25                  Since the County Extension Landfill

1 will reach its designed capacity in approximately  
2 three to four years, the facility and BFI has  
3 proposed a landfill expansion that would join the two  
4 existing landfills together.

5                   However, because the two local  
6 enforcement agencies -- namely, the City and County  
7 of Los Angeles -- were not able to review the  
8 application jointly, the facility and BFI decided to  
9 first apply for the landfill expansion only within  
10 the City of Los Angeles.

11                   The next slide displays the footprint  
12 of the proposed landfill expansion. The green dashed  
13 line represents the proposed City-County Landfill.  
14 As can be seen, the City-County Landfill includes  
15 both the City Side Landfill the County Extension  
16 Landfill. The space between those two existing  
17 landfills will be filled by landfill expansions, as  
18 proposed in the tentative permit.

19                   This is the portion of the landfill  
20 expansion referred to as "Phase 1 City Landfill  
21 Unit 2" that's been proposed by BFI and is the  
22 subject of today's public hearing. This new landfill  
23 unit, as proposed, is located entirely within the  
24 City of Los Angeles and, if approved, will be  
25 developed over an area of approximately 84 acres with

1 a net capacity of about 7.5 million tons of municipal  
2 solid waste.

3 The operational life of this phase of  
4 the landfill expansion will be approximately 4.8  
5 years. BFI has indicated that it will apply for a  
6 permit or at least intends to apply for a permit for  
7 the rest of the City Landfill expansion, Phase 2,  
8 shown by the purple dashed line. And that would be  
9 following approval of Phase 1 by all regulatory  
10 agencies.

11 The next photograph shows the County  
12 Extension Landfill and the areas where the proposed  
13 City Side Landfill expansion would be.

14 In order for the Regional Board to  
15 adopt a permit to regulate the operations of the  
16 proposed landfill operation, the City of Los Angeles  
17 must first have approved the landfill expansion in  
18 accordance with the California Environmental Quality  
19 Act -- CEQA.

20 The CEQA document for the expansion of  
21 the City Side Landfill, referred to as the "Final  
22 Subsequent Environmental Impact Report," or "SEIR,"  
23 was certified by the City of Los Angeles on October  
24 27, 1999.

25 On December 3, 1999, the Los Angeles

1 City Council passed an ordinance that changed the  
2 zoning where the City Landfill was located from  
3 "agriculture" to "heavy industrial" to accommodate  
4 the landfill expansion.

5 The proposed City Landfill expansion  
6 and the final closure of the existing City Side  
7 Landfill would result in the removal of more than  
8 five acres of upland wetland from the site. Pursuant  
9 to the Federal Clean Water Act, the BFI -- the  
10 operator -- must compensate for loss of any wetlands.

11 A 404 Permit must be issued by the  
12 U.S. Army Corps of Engineers and a 411 Certificate --  
13 those are references to sections of the Clean Water  
14 Act -- that certificate must be issued by the  
15 Regional Board before any construction is started.

16 The 401 certificate application is  
17 intended to be processed by Board staff separately  
18 from the tentative permit that's before you today.

19 To obtain the Regional Board permit  
20 for the proposed landfill expansion, it was required  
21 to have submitted a joint technical document,  
22 equivalent to a permit application, that contains  
23 information concerning, in this case, the proposed  
24 expansion of the City Side Sunshine Canyon Landfill.

25 It's referred to a joint -- it's

1 referred to as a "joint technical document" because  
2 it is also submitted to other regulatory agencies  
3 such as the Waste Board. And that's the basic  
4 reference permit document.

5 And for the rest of this discussion,  
6 it will be referred to as the "Consolidated Permit  
7 Application."

8 BFI submitted the Consolidated Permit  
9 Application for the proposed landfill expansion to  
10 the Regional Board in February of 2002.

11 Regional Board staff have reviewed the  
12 application, provided comments, and received  
13 responses from the BFI and determined that the  
14 application was complete for the purpose of  
15 developing a tentative permit.

16 Consolidated Permit Application has  
17 been available for review at the Granada Hills public  
18 library. Based upon the information provided in the  
19 joint technical document -- consolidated document --  
20 and in accordance with Title 27 of California Code of  
21 Regulations, Regional Board staff have developed a  
22 tentative permit including a tentative monitoring and  
23 reporting program.

24 These documents were sent out for  
25 public comment on June 6, 2003.



1                   Now, the next few slides will talk  
2   about what some of the provisions are of this draft  
3   tentative permit.

4                   It limits the acceptable materials at  
5   the proposed landfill expansion to nonhazardous solid  
6   waste and inert solid waste only. "Nonhazardous  
7   wastes" are regular wastes including garbage, trash,  
8   refuse, paper, rubbish, ashes, and the like. "Inert  
9   wastes" are uncontaminated soil, rock, concrete,  
10  bricks, and so forth.

11                  The proposed landfill will not be  
12  permitted to accept hazardous wastes, designated  
13  wastes, special wastes -- such as foundry sand -- or  
14  any waste that is not suitable to be discharged at a  
15  Class III landfill. Another example would be sewage  
16  sludge would not be allowed. In their -- in the  
17  draft permit, there is actually a whole list of very  
18  specific items that are prohibited.

19                  The tentative permit includes  
20  extensive requirements for site operations. The most  
21  important of these are the requirements to keep an  
22  operating record, proper maintenance of the landfill,  
23  implementation of waste-load-checking program, using  
24  appropriate daily covers, leachate collection and  
25  removal, and reporting to the Regional Board any

1 noncompliance of the permit.

2                   It should be pointed out that, in  
3 accordance with Title 27, the Waste Board and the  
4 City of Los Angeles are the lead agencies for  
5 regulating daily operations of Class III landfills.  
6 The Regional Board will be involved in regulating  
7 such activities when the Board staff believes such  
8 activities at the site pose a threat to water  
9 quality.

10                   If approved, the proposed landfill  
11 expansion would be constructed and operated in  
12 conformance with applicable federal and state  
13 standards and would be equipped with a composite-  
14 liner system. In sum, portions of the liners would  
15 be constructed over the side slopes of the existing  
16 City Side Landfill.

17                   The kind of design and construction  
18 plans must be reviewed and approved by Regional Board  
19 staff prior to installation. In accordance with the  
20 contract with the State Board and the California  
21 Department of Water Resources, seismic-stability  
22 designs for landfills submitted to the Regional Board  
23 are also reviewed by experts in the Department of  
24 Water Resources.

25                   I'd like to briefly give you an

1 overview of the base-liner system at the landfill.  
2 It includes from top -- excuse me -- from bottom to  
3 top, a prepared base of bedrock, a compacted clay  
4 layer, a synthetic liner, a leachate ten-inch layer,  
5 and an operations layer.

6                   The bedrock at Sunshine Canyon is  
7 relatively impermeable and will provide additional  
8 protection to the groundwater beneath the landfill.

9                   The compacted clay liner is at least  
10 two feet thick. And it is composed of very low  
11 permeable clay material. The synthetic liner would  
12 be made of high-density polyethylene plastic. The  
13 leachate-collection system would be made of coarse  
14 gravel and "pipe lined" and would be designed to  
15 collect and remove any liquid at the bottom of the  
16 landfill.

17                   The operations layer would be a layer  
18 of clean soil at least two feet thick that is used to  
19 protect the liner system from being damaged by  
20 landfill equipment.

21                   Now, there's another portion of the  
22 landfill liner system that's very important with  
23 regard to groundwater-quality protection. This has  
24 to do with the leachate sump. And this slide  
25 illustrates the liner system that is used for

1 leachate sumps at any landfill. The sump is part of  
2 the liner system, about the size of a home swimming  
3 pool. And this is where the leachate pumps would be  
4 installed.

5                   Because it would be located in the  
6 lowest point of the liner where leachate is collected  
7 and removed, it is the most critical part of the  
8 liner system.

9                   The liner system contains an  
10 additional geosynthetic clay liner that is made of  
11 geotextile and clay materials and a second layer of  
12 synthetic membrane to provide extra protection  
13 against any leakage from the landfill.

14                  In addition, a lysimeter, which is  
15 used to collect moisture-condensate samples is  
16 installed or would be installed in the bedrock  
17 beneath the compacted clay layer underlying the  
18 leachate-collection sump. Liquid samples obtained  
19 from the lysimeter would be monitored regularly to  
20 provide early warning of any leaks from the liner  
21 system.

22                  The next photograph is a very good  
23 cutaway design drawing -- not "design," but  
24 photograph -- showing the construction of the liner  
25 system of the County Extension Landfill. It shows

1 the various different operational layers; the  
2 position of the synthetic liner; and the location, at  
3 the lowest point, of the leachate-collection layer.

4 The proposed landfill expansion would  
5 be constructed in the same manner.

6 The proposed permit would require BFI,  
7 the operator, to monitor the groundwater at ten  
8 groundwater-monitoring wells and one groundwater-  
9 extraction trench, and water samples be regularly  
10 analyzed for a full range of pollutants that may be  
11 expected at the landfill.

12 Besides groundwater monitoring, BFI  
13 will also be required to monitor the leachate surface  
14 water unsaturated zone including lysimeter samples,  
15 subdrain water, and landfill gas at the site.

16 The next slide displays the  
17 groundwater-monitoring network at Sunshine Canyon  
18 Landfill. The red dots represent groundwater-  
19 monitoring wells. A groundwater-extraction trench  
20 was constructed across the canyon bottom to intercept  
21 groundwater flow.

22 Groundwater collected at the trench is  
23 currently used at the landfill for irrigation and  
24 dust control. And please take note of the location  
25 of groundwater-monitoring well MW-10 to the lower

1 right, which I will discuss in detail shortly.

2                   There are several known groundwater  
3 concerns associated with this particular site. And  
4 I'm going to walk you through those.

5                   These include the detection of low  
6 levels of volatile organic compounds downgradient to  
7 groundwater-monitoring wells at the City Side  
8 Landfill and in the subdrain water at County  
9 Extension Landfill and separately, high  
10 concentrations of total dissolved solids, including  
11 chloride sulfate and some other inorganic  
12 constituents, in the groundwater and separately a  
13 recent detection of 1, 4 dioxane at the City Side  
14 Landfill.

15                   Now, volatile organic carbon compounds  
16 are a group of compounds that are commonly detected  
17 in landfill leachate and landfill gas but do not  
18 naturally exist in uncontaminated groundwater. They  
19 are, therefore, very good indicators of a release of  
20 pollutant.

21                   On the other hand, total dissolved  
22 solids are always expected in groundwater unless it's  
23 distilled groundwater or I should say, "distilled  
24 water." And its concentration varies significantly  
25 within Sunshine Canyon. And by that nature, it's not

1 a very good indicator of landfill release as opposed  
2 to an organic compound that's manmade.

3 Let's go back to MW-10. MW-10 is a  
4 shallow groundwater-monitoring well at the toe of the  
5 unlined City Side Landfill. It's approximately 180  
6 feet from the footprint of the landfill. The well  
7 was installed in 1993. And since 1994, low levels of  
8 several volatile organic carbon compounds have been  
9 detected at the well.

10 Subsequent investigation concluded  
11 that the volatile organic carbon compounds were the  
12 result of landfill-gas impacts to groundwater.

13 In response, BFI repaired and updated  
14 the gas-collection system at the landfill in 1997.  
15 Since 1997, both the frequency and magnitude of VOCs  
16 detected at the well have been significantly reduced  
17 due to the corrective measures taken.

18 Since January, 2000, only one volatile  
19 organic carbon compound has been detected. And its  
20 concentrations have been consistently less than the  
21 maximum concentration level for drinking water. No  
22 VOCs have been detected and confirmed at any other  
23 groundwater well on-site.

24 The operating Sunshine Canyon County  
25 Extension is equipped with a composite-liner system.

1 Beneath the liner, a subdrain system has been  
2 installed to collect shallow seepage and spring  
3 waters that were encountered during construction of  
4 the landfill.

5 The water collected in the subdrain  
6 system is discharged through several pipeline outlets  
7 to a settlement drain that drains off-site -- excuse  
8 me -- a settlement basin that drains off-site.

9 In early 2001, high concentrations of  
10 methane and hydrogen sulfide were detected at the  
11 subdrain outlets, and subsequent analyses detected  
12 volatile organic carbon compounds in the water  
13 discharged from the subdrain outlets.

14 The concentration of VOCs -- "volatile  
15 organic carbon compounds" -- are all lower than  
16 drinking water MCLs. The volatile organic carbon  
17 compounds in the subdrain water are also believed to  
18 be caused by landfill gas.

19 As required by Board staff, BFI has  
20 been diverting the subdrain water to the on-site  
21 leachate treatment facility and then reusing it for  
22 dust control at the landfill. Meanwhile BFI has  
23 taken action to remove gas from the subdrain system,  
24 which has significantly reduced concentrations of  
25 the gasses in the subdrain outlets as well as the



1 volatile organic carbons compounds in the subdrain  
2 water.

3 I'll next turn to the high levels of  
4 salts in groundwater.

5 Now, total dissolved solids -- such as  
6 chloride, sulfate, sodium, and calcium -- have been  
7 found in groundwater samples from Sunshine Canyon  
8 especially with the downgradient wells. For example,  
9 the TDS concentration in groundwater from the canyon  
10 range from 1,000 to 4,000 milligrams per liter while  
11 the maximum contamination level in drinking water for  
12 taste -- and this is a comparison -- is 500  
13 milligrams per liter.

14 Staff believe that the high levels of  
15 inorganic constituents are not likely caused by the  
16 landfill because of several factors.

17 First, marine sedimentary rocks at the  
18 site can produce water with high TDS. And, in fact,  
19 in the area, high TDS is very common. The TDS total  
20 dissolved solid concentrations have not changed  
21 significantly since the installation of the wells.  
22 And stable isotope analysis has shown no relationship  
23 between the groundwater and landfill leachate.

24 Nevertheless, we do not completely  
25 exclude the possibility that some inorganic

1 constituents may have been released from the landfill  
2 to the groundwater. However, because the groundwater  
3 in the area is naturally high in salt, the  
4 relatively -- and total dissolved solids, the  
5 relatively higher TDS, or salt concentrations, in the  
6 ground -- in the down-gradient side of the landfill  
7 do not significantly impact the beneficial uses of  
8 the groundwater.

9                   Next, I'll turn to information that  
10 was developed over the past year regarding  
11 radioactivity.

12                   Neither the City Side Landfill nor the  
13 County Extension Landfill has been permitted to  
14 receive radioactive wastes. And there is no evidence  
15 indicating that any radioactive wastes have knowingly  
16 been accepted at the landfill.

17                   BFI implements a load-check program at  
18 the site to screen and reject any unacceptable  
19 wastes, including radioactive substances.

20                   Nevertheless, small objects that  
21 contained low levels of radioactive substances --  
22 such as "Exit" signs, watches, and fire  
23 extinguishers, among many other products -- may get  
24 into the landfill. These small objects are not  
25 expected to cause significant environmental problems

1 associated with radioactivity at the landfill.

2                   Now, groundwater-sampling  
3 investigation that included the Sunshine Canyon  
4 landfill has been organized and was conducted under  
5 the aegis of the State Water Resources Control Board.  
6 The data collected showed that the concentration of  
7 tested radioactive species in groundwater at the site  
8 are all lower than the drinking water maximum  
9 contamination levels. That's in the groundwater at  
10 the site.

11                   The leachate, separately, from the  
12 County Extension Landfill has had a tritium  
13 concentration of 63,000 picocuries per liter. And  
14 that is higher than the 20,000 picocuries per liter  
15 which is the MCL, or Maximum Contaminant Level, for  
16 drinking water.

17                   Since the leachate from the Sunshine  
18 Canyon Landfill is discharged through the sanitary  
19 sewer system, there is no significant adverse  
20 environmental impact, we believe.

21                   With regard to emergent chemicals --  
22 and these are new chemicals that are being identified  
23 in terms of their -- the testing protocols have  
24 changed and the ability to detect these at smaller  
25 concentrations has changed. And the perchlorates, of

1 course, are one of those, although it's not at issue  
2 here.

3                   Emergent chemicals are a group of  
4 chemicals including perchlorate;  
5 "nitrosodimentalamine" (phonetic), or NDMA; 1, 4  
6 dioxane; and several other chemicals that have not  
7 been routinely monitored in the past.

8                   Because these chemicals have been  
9 detected at a number of sites in this region in  
10 recent years, Regional Board initiated a program  
11 that requires more than 400 sites to conduct a  
12 one-time sampling event to analyze for emergent  
13 chemicals.

14                   This past March, I sent a letter to  
15 Sunshine Canyon and eight other landfills in the  
16 region, requiring them to conduct a special sampling  
17 event and submit monitoring results to the Regional  
18 Board no later than September 4, 2003.

19                   BFI submitted its reports for both the  
20 City Side Landfill and the County Landfill on June  
21 23. Reports indicate dioxane was detected in  
22 leachate samples from both the County Extension  
23 Landfill and the City Side Landfill in three  
24 groundwater-monitoring wells at the City Side  
25 Landfill as well as in the groundwater-extraction

1 trench.

2                   Dioxin -- dioxane was not detected in  
3 the groundwater-monitoring well of the County  
4 Extension Landfill. And except for dioxane, no other  
5 emergent chemicals were detected at any of the  
6 leachate and groundwater samples.

7                   And the next slide shows you the  
8 actual data that was collected as a result of that  
9 sampling event and was reported to us.

10                  Leachate from the City Side Landfill  
11 had 220 parts per billion of dioxane. It was the  
12 highest of the Sunshine Canyon landfills. The  
13 groundwater sample from the extraction trench had 71  
14 parts per billion dioxane and was the highest among  
15 all the groundwater samples analyzed.

16                  The next photograph displays the  
17 location of groundwater-monitoring wells in the  
18 groundwater-extraction trench near the entrance area  
19 of the Sunshine Canyon Landfill. You see the  
20 entrance to the right. That's the access road  
21 leading into -- as it goes across the bottom, that is  
22 the access road that leads into the site.

23                  The purple dashed line -- and I hope  
24 that's -- yes. It's visible. The purple dashed line  
25 represents the approximate footprint of the City

1 Side Landfill. Monitoring wells where dioxane was  
2 detected are displayed by the red dots.

3 Concentrations of dioxane in parts per  
4 billion along with well numbers are displayed in the  
5 yellow boxes. And wells that were sampled where  
6 dioxane was not detected are displayed by green dots.  
7 Wells that were not included in the sampling are  
8 displayed in brown.

9 Now, dioxane is a manmade compound  
10 used primarily as an industrial solvent or solvent  
11 stabilizer to prevent breakdown of any solvents  
12 during the manufacturing process. It exists in a  
13 variety of household -- of various products including  
14 paints, plastics, dyes, food additives, and many  
15 household consumer goods.

16 And I have to admit that, when I was  
17 reading the fact sheet yesterday, I was a little  
18 surprised to see where dioxane is found in household  
19 consumer goods. For example, hair lotion contains  
20 47,000 to 108,000 parts per billion of dioxane. And  
21 so given its pervasiveness in so many different  
22 products, it's not surprising to find it in landfill  
23 leachate.

24 There is currently no federal or state  
25 maximum contaminant level established for dioxane in

1 drinking water. But the California Department of  
2 Health Services has established an advisory action  
3 level of 3 parts per billion for dioxane in drinking  
4 water.

5 DHS will typically consider removing a  
6 drinking-water-supply well from service if the  
7 concentration exceeds 100 times the advisory action  
8 level. And that would be 300 parts per billion in  
9 this case.

10 Because dioxane was detected in four  
11 of the six groundwater monitoring points that were  
12 sampled and the concentrations were well above the  
13 1.1-part-per-billion detection limit, it is concluded  
14 that dioxane has been released from the City Side  
15 Landfill to the groundwater at the vicinity of the  
16 landfill.

17 The detection of dioxane in  
18 groundwater represent a measurably significant  
19 evidence of a release, as defined in Title 27. The  
20 BFI must conduct evaluation monitoring to delineate  
21 the extent of pollution and propose corrective action  
22 measures to remediate the contamination. Since BFI  
23 is already implementing an evaluation monitoring  
24 program for the detection of the VOCs and certain  
25 inorganic compounds at the site, the evaluation of

1 dioxane contamination will be incorporated in the  
2 existing program.

3                   The tentative permit requires BFI to  
4 continue upgrading and adjusting the landfill-gas-  
5 collection system at the site and eliminate the  
6 impact of landfill gas to groundwater.

7                   To minimize potential for off-site  
8 migration of contaminants through a shallow  
9 groundwater zone, BFI is required to upgrade the  
10 existing groundwater-extraction trench at the site  
11 and construct a cutoff wall at the mouth of the  
12 canyon.

13                   The cutoff wall will be located  
14 downgradient of MW-10 and the area where VOCs have  
15 been detected and upgradient to the landfill's  
16 property boundaries. The cutoff wall will be keyed  
17 to the bedrock and completely cut off the shallow  
18 groundwater flow from the canyon.

19                   Because of the low permeability of  
20 bedrock at the site, the possibility of pollutants  
21 being released to the water resources outside the  
22 canyon is extremely low once the shallow groundwater  
23 cutoff -- is cut off. Excuse me.

24                   Additional corrective actions may be  
25 required if such actions are deemed necessary. And



1 any water that is collected from that cutoff would be  
2 either treated, additionally treated, or it would be  
3 used for dust control at the operating landfill.

4                   Now I'm going to walk you through some  
5 of the comments that we received as part of the  
6 public review of the permit. Comments were sent out  
7 in June. And on June 18, a public workshop was held  
8 in the City of Granada Hills to explain to the public  
9 the Regional Board's permitting process and receive  
10 comments about the tentative permit.

11                   More than 100 people attended the two  
12 sessions of the workshop. And about 20 people spoke  
13 at the workshop to express their concerns about the  
14 proposed landfill expansion. In addition, Board  
15 staff met separately with representatives for the  
16 North Valley Coalition at least twice to discuss  
17 related issues. And in the materials that were  
18 presented for you -- to you, is a transcript of that  
19 particular workshop.

20                   In addition to the comments at the  
21 workshop, Board staff also received written comments  
22 from more than 40 organizations and individuals in  
23 the forms of letters, faxes, e-mails, and phone  
24 calls.

25                   In addition to verbal response

1 provided at the public workshop, Board staff prepared  
2 written responses to the comments received. And we  
3 sent out a response to comments to all those parties  
4 who attended the workshop. And that was sent out  
5 July 18.

6 In response to the comments received,  
7 staff also modified the tentative permit and  
8 monitoring reporting program. Response to comments  
9 and the reporter's transcript of the public workshop  
10 are being posted on the Regional Board's web site  
11 along with the tentative permit.

12 And I would like to point out that we  
13 have prepared a change sheet for you. And you also  
14 received a -- in your board packet, a strikeout  
15 underlined version showing those changes. So you  
16 have both of those in the document itself. You also  
17 have a short form of the change sheet.

18 CHAIRPERSON CLOKE: Where is the change sheet?

19 MR. DICKERSON: Change sheet?

20 Copies? Would you please make sure  
21 they have that.

22 There's no difference. Let me just  
23 emphasize that there's no difference between what you  
24 have in the binder and the change sheet itself. It's  
25 just a summary of that.

1           CHAIRPERSON CLOKE:  So these are the second --  
2   when we got the revised tentative --

3           MR. DICKERSON:  Right.

4           CHAIRPERSON CLOKE:  -- that's what the change  
5   sheet is?  Okay.

6           MR. DICKERSON:  It was just a short form of  
7   providing that.

8           CHAIRPERSON CLOKE:  Okay.

9           MR. DICKERSON:  Okay.  We've also received a  
10   number of late comments that were submitted after the  
11   due date for submittal.  These included e-mails and  
12   formal letters.  These have not been included in the  
13   board package, nor are they are part of the official  
14   record since they were submitted after the comment  
15   deadline.

16                       Now, in the next few slides, we'll go  
17   through the issues of concern.  Many comments stated  
18   that the proposed landfill should not be approved  
19   because of potentially strong earthquakes that can  
20   occur in the area.

21                       Seismic activities can cause damage to  
22   landfills in primarily two ways.  First, if a  
23   landfill is located above an active fault, the  
24   relative slip movement along the fault may cause  
25   damage to the containment structures, such as the

1 liner and final cover of the landfill.

2 Secondly, strong shaking during an  
3 earthquake could induce slope failures to landfill  
4 side slopes, liners, and final cover slopes. The  
5 steeper the slope is, the greater the potential is  
6 for failure during a strong earthquake.

7 To prevent the first type of seismic  
8 damage, landfills should not be located within 200  
9 yards of active faults. And faults that are -- these  
10 are defined as faults that have moved during the last  
11 11,000 years. In the last 30 years, several  
12 geological investigations were conducted at the site;  
13 and no active faults were found.

14 To verify this, BFI is required to  
15 hire a registered geologist to prepare a detailed  
16 geological map during the excavation of each landfill  
17 cell construction. Installation of the liner is not  
18 allowed until Board staff has inspected the site and  
19 approved the geological map. This applies to both  
20 the existing and proposed expansion.

21 The next photograph shows you a map  
22 showing major active faults in Southern California  
23 and near the location of the landfill site. To  
24 prevent landfill failure that may be induced by  
25 earthquake shaking, landfill design must consider all

1 the active faults surrounding the site and the  
2 magnitude of earthquakes that can be caused by each  
3 fault. The earthquake that has the potential to  
4 cause the strongest shaking to the site -- the  
5 "design earthquake" -- is used to design the  
6 landfill's containment structures.

7 In the case of Sunshine Canyon  
8 landfill, the "design earthquake" is generated by the  
9 Santa Susana fault zone, which is approximately three  
10 miles to the south of the landfill.

11 The State of California requires all  
12 the Class III landfills, such as Sunshine Canyon  
13 Landfill, that are permitted to take some municipal  
14 solid waste, to be constructed to withstand the  
15 largest earthquake that is expected to occur every  
16 100 years.

17 Sunshine Canyon landfill and every  
18 other operating Class III landfill in our region are  
19 required to rebuild -- excuse me -- to build a -- any  
20 landfill to withstand the largest earthquake that  
21 could affect the landfill, regardless of time. And  
22 this is called a "maximum credible earthquake," or  
23 "MCE."

24 This is a more stringent requirement  
25 than required for normal Class III facilities

1 throughout the rest of the state. And it is the same  
2 standard that is required for Class I hazardous-waste  
3 landfills.

4                   The next issue has to do with the  
5 safety of drinking water resources that are proximate  
6 to the landfill. Sunshine Canyon Landfill is located  
7 at the northern edge of the San Fernando Valley  
8 Basin, which is a major drinking water resource. The  
9 concern is that pollutants in landfill leachate could  
10 be carried out of the canyon and enter the  
11 groundwater basin.

12                   However, because of the low  
13 permeability of the bedrock that underlies the  
14 landfill and the distance between the landfill and  
15 the San Fernando Valley water basin, the possibility  
16 that pollutants from the landfill would enter the  
17 groundwater basin is relatively low.

18                   With the protective measures applied  
19 at the landfill -- which include liner systems,  
20 groundwater-extraction trench, and cutoff walls -- no  
21 pollutants should be released from landfill to the  
22 groundwater basin. Should this event occur,  
23 groundwater monitoring should provide earlier  
24 detection and corrective actions to remediate the  
25 pollution before pollutants reach the groundwater

1 basin.

2                   And that -- in fact, that is the case  
3 with regard to the issues that I've already  
4 summarized. Now, it is possible the pollutants from  
5 the landfill could be carried to the Los Angeles  
6 River which is approximately -- excuse me --  
7 Los Angeles Reservoir, which is approximately 1.5  
8 miles from the landfills entrance and it could be  
9 carried by windblown particles or birds.

10                   This issue was addressed in the  
11 Subsequent Environmental Impact Report that was  
12 certified by the Los Angeles City Council in 1999.  
13 BFI is required by the City to employ mitigation  
14 measures to control fugitive dust generation at the  
15 site.

16                   During the more than 40 years of  
17 operational history, there's been no record of any  
18 water-quality problems at the reservoir associated  
19 with the landfill.

20                   Next, because of the detection of VOCs  
21 at the County Extension Landfill subdrain system,  
22 there have been concerns that the single-liner system  
23 may have been torn or compromised in some manner.  
24 Some comments expressed or requested that a  
25 double-liner system be required for the proposed

1 landfill expansion. This would be through the entire  
2 site as opposed to just the leachate-collection area.

3 Double-composite-liner systems are  
4 normally required for Class I and Class II landfills  
5 because the waste discharges to such landfills pose a  
6 much greater threat to the environment than the  
7 nonhazardous solid waste disposed at Sunshine Canyon  
8 landfill and other Class III landfills.

9 And as I mentioned earlier, a  
10 multiple-layer composite-liner system is required for  
11 the leachate-collection sumps, termed the most  
12 critical area.

13 The next issue: There have been many  
14 concerns raised concerning health and safety impacts  
15 to the local community including dust, noise, air  
16 quality, and odors. The health and safety risk  
17 involved in the proposed landfill expansion has been  
18 addressed in the Final Subsequent Environmental  
19 Impact Report, certified by the City of Los Angeles  
20 in 1999.

21 The tentative WDRs or the tentative  
22 permit is designed to protect water resources and  
23 cannot address health and safety issues that are not  
24 directly related to water quality. Dr. James  
25 Stratton of the Office of Environmental Health Hazard



1   Assessment -- OEHHA -- is here today to address any  
2   questions you may have regarding the role of OEHHA in  
3   health risk assessment.

4                   In addition, we've invited Dr. Wendy  
5   Kozin (phonetic) of the U.S.C. Cancer Surveillance  
6   Program and Dr. Cyrus Rangan of the Los Angeles  
7   County Department of Health Services Toxics  
8   Epidemiology Program.

9                   And they will be available to respond  
10   to your questions regarding health concerns that have  
11   been raised by members of the community.

12                  In conclusion, the staff belief that  
13   the tentative permit is consistent with state and  
14   federal regulations for municipal solid-waste  
15   disposal facilities. The tentative permit contains  
16   provisions that will protect groundwater and surface  
17   water resources. And concerns from the public  
18   regarding the proposed landfill have been addressed  
19   in the response to comments.

20                  You always have various options, which  
21   include adopting the tentative penalty as proposed,  
22   adopting the tentative permit with changes that you  
23   deem are appropriate, not adopting the tentative  
24   permit, or continuing the item if you think that's  
25   appropriate to do so.

1                   The recommendation of the staff is  
2   that the tentative permit is intended to protect  
3   water resources at the site. And we recommend that  
4   it be adopted as proposed. And I thank you for your  
5   patient attention. Thank you.

6           CHAIRPERSON CLOKE: Thank you, Mr. Dickerson.  
7   We're going to keep our questions until we've heard  
8   from everybody. But I'm sure we'll be back to you on  
9   some of the issues that you've raised.

10                  I'd also like to welcome Mr. McDonald  
11   who joins us. I'm sorry. I thanked Mr. Dickerson  
12   for his presentation. I told him that we were going  
13   to be reserving all questions until we've heard from  
14   everyone. And I also welcomed Board Member McDonald,  
15   who joined the meeting during Mr. Dickerson's  
16   presentation.

17                  Does that conclude the staff report,  
18   Mr. Dickerson?

19           MR. DICKERSON: That concludes the staff  
20   report. However I would recommend that -- we've  
21   invited Dr. Stratton to be a supplement to us --

22           CHAIRPERSON CLOKE: Yes. Right.

23           MR. DICKERSON: -- and we would recommend that  
24   he go next.

25           CHAIRPERSON CLOKE: Thank you. Before we take

1 other testimony, I wanted to take a moment to assure  
2 people in the audience that this Board is here to  
3 consider all the evidence presented to us and that  
4 the staff report is part of the evidence.

5               The presentation by the OEHHA staff  
6 will be part of the evidence. The presentation by  
7 the representatives of BFI will be part of the  
8 evidence. And the testimony we receive from the  
9 public will be part of the evidence. And we will  
10 give consideration to everything that we hear and to  
11 every point of view that is expressed.

12              Now, I don't usually say this in a  
13 Board meeting but, because of comments that were made  
14 in the press this morning, I felt it was important  
15 for us to underscore that that is the standard  
16 procedure for this Board, which is to take all  
17 evidence; listen carefully to everything; and then  
18 try to make the best decision that we can, given  
19 everything that we have learned and everything that  
20 we know regarding these issues.

21              And anybody who doesn't understand  
22 what I'm talking about could go look at the morning  
23 paper.

24              Dr. Stratton, are you here?

25              DR. STRATTON: Yes, I am.

1           CHAIRPERSON CLOKE: Could I ask you to come up  
2 to the podium, please, sir. I want to thank you very  
3 much for --

4           Dr. Stratton will introduce himself.  
5 But he's from OEHHA. And at the public hearing on  
6 the 18th, there had been some health concerns that  
7 had been raised. And we asked Dr. Stratton if he and  
8 his -- and his department, his agency would look at  
9 some of these issues.

10           And we really appreciate your coming  
11 down to talk to us today.

12           DR. STRATTON: Well, good morning. And thank  
13 you for inviting me. My name is James W. Stratton.  
14 I have a doctorate of medicine, and I also have a  
15 master's in public health. I have worked for the  
16 State of California since 1981, either for the  
17 California Department of Health Services or for the  
18 Office of Environmental Health Hazard Assessment.

19           The Office of Environmental Health  
20 Hazard Assessment is the -- one of the six components  
21 of the California Environmental Protection Agency.  
22 And we are charged with conducting risk assessments  
23 of environmental hazards.

24           My department, among other things,  
25 advises the State Health Department on drinking water

1 standards -- that is, what level of different  
2 substances, including chemicals, are appropriate for  
3 California drinking water.

4                   We also establish the public health  
5 goals for drinking water for the State of California.  
6 We are the lead agency for Proposition 65, which is  
7 the initiative statute that requires the  
8 identification and labelling of substances known to  
9 cause cancer, birth defects, or other reproductive  
10 harm. We also advise the California Air Resources  
11 Board on toxic air contaminants and also on other  
12 criteria air pollutants in the State of California.

13                   So we do what amounts to the  
14 scientific, toxicological, and medical aspects of  
15 toxic chemical exposures for California EPA and for a  
16 variety of other state agencies including the State  
17 Health Department.

18                   With that as a background, we were  
19 asked to become involved in the Sunshine Canyon  
20 Landfill permit application before you after the June  
21 18 workshop that was held by the Regional Water  
22 Quality Control Board. I have received a copy of the  
23 entire transcript of that June 18 hearing and read it  
24 in its entirety, including the comments for some 20  
25 residents of the neighborhood.

1                   I've also had an opportunity to speak  
2   by telephone with several of the residents in the  
3   area and to hear their views directly, in addition to  
4   those that were in the transcript from the June 18  
5   workshop. I've talked at some length with some of  
6   the Regional Water Quality Control Board staff about  
7   the proceedings here.

8                   And I have read some materials, but  
9   obviously not all, given the vast administrative  
10  record that exists for this particular facility,  
11  dating back to the 1980's. And I've had a chance to  
12  talk with some of the local health officials here in  
13  Los Angeles County that are normally involved in the  
14  evaluation of -- of concerns, health concerns, from  
15  the residents nearby.

16                  And, in particular, I talked with  
17  Dr. Wendy Kozin, who is an epidemiologist working for  
18  the University of Southern California in the  
19  Department of Preventive Medicine.

20                  She works with the Los Angeles  
21  Regional Cancer Registry, which is part of the  
22  statewide cancer registry that was established some  
23  20 years ago in order to ascertain and collect  
24  information on every single case of cancer diagnosed  
25  in the State of California, with the exception of

1 minor skin cancers, which are not collected.

2 But all of the important cancers --  
3 such as lung cancer, breast cancer, stomach cancer,  
4 liver cancer and other kinds of ones that are likely  
5 to be fatal -- are recorded by the registry.

6 But it's not just deaths. It's any  
7 cancer. So people who are diagnosed with cancer and  
8 who survive or are cured by surgery or whatever also  
9 are included in the registry. And I have requested  
10 that Dr. Kozin be here this morning. Is she here in  
11 the audience?

12 (No audible response.)

13 DR. STRATTON: Well, she apparently has not  
14 arrived yet. Also I've talked with the Los Angeles  
15 County Department of Health Services Toxics  
16 Epidemiology staff. They operate in the public  
17 health side of the County Health Department,  
18 evaluating environmental health concerns here in  
19 Los Angeles County. And that program has had a long  
20 and illustrious history here.

21 And as I participated with one of the  
22 early directors of that program -- Paul Papanak  
23 (phonetic) --

24 CHAIRPERSON CLOKE: Dr. Stratton, the audience  
25 is having trouble hearing you.

1 DR. STRATTON: Well, I'm --

2 CHAIRPERSON CLOKE: And I'm having the same

3 trouble up here. It's something with our sound

4 system.

5 DR. STRATTON: If I lean over and speak

6 directly in -- okay?

7 CHAIRPERSON CLOKE: Perfect. They're happy

8 now.

9 DR. STRATTON: Okay. Some of the audience --

10 I can't see them raise their hands behind my head.

11 CHAIRPERSON CLOKE: That's why I interrupted

12 you. I apologize for that.

13 DR. STRATTON: I've also talked with the Los

14 Angeles Department of Health Services Toxics

15 Epidemiology Program staff. This is a program for

16 the County of Los Angeles that evaluates

17 environmental health hazards here in the County.

18 And they work in conjunction with the

19 California Department of Health Services on such

20 public health evaluation issues.

21 Dr. Paul Papanak, in 1993, was

22 approached and asked about doing some of the

23 epidemiological studies around this particular

24 landfill. And he outlined a number of methodological

25 concerns as to why such things are difficult.



1                   And at that time, the judgment was  
2   made that it was not in the best interests of  
3   government to conduct such a study. However, since  
4   that time, of course, the community has continued to  
5   have their issues and concerns.

6                   And so I have called this issue,  
7   again, to the attention of this program. Dr. Papanak  
8   left the program years ago. And Cyrus Rangan, a new  
9   physician, has joined the program about three months  
10  ago. And I've asked him -- is he in the audience  
11  here?

12                  DR. RANGAN: Yes.

13                  DR. STRATTON: Great. So he will be available  
14  after my presentation to just do a little  
15  introduction about his program. Since Dr. Kozin is  
16  not here, I will relate the substance of my  
17  conversations with her.

18                         Back in 1999, she took a look at the  
19  cancer registry data from 1972 through 1992, a full  
20  twenty-year period, and looked specifically at the  
21  areas around the landfill and did not find any excess  
22  cancers during that time frame.

23                         She also then looked at the cancers  
24  that had occurred for an additional five years  
25  between 1992 and 1997 and concluded that the

1 additional numbers would not change the overall  
2 assessment that there was not an increased risk of  
3 cancer incidence in the area surrounding the  
4 landfill.

5                   And she was going to try and take a  
6 look at several more years of data. And also her  
7 plan was to make a general presentation about what  
8 the cancer risk really is and the fact that there is  
9 an ongoing effort in the cancer registry to map the  
10 occurrence of cancer throughout Los Angeles County  
11 looking for any potential hot spots and that, even in  
12 the absence of a specific study around the landfill,  
13 if there was an excess or hot spot of cancer  
14 occurring in the area, the registry would be able to  
15 pick that up in its ongoing continuing surveillance.

16                   Okay. With that as an introduction,  
17 perhaps we could hear from Dr. Rangan now. And then  
18 we could jointly answer any questions that you have.

19                   CHAIRPERSON CLOKE: That would be appreciated.  
20 Is it going to be possible for you to stay? Because  
21 we'd like to hear the rest of the testimony before we  
22 ask questions.

23                   DR. STRATTON: Do you anticipate how long that  
24 would be?

25                   CHAIRPERSON CLOKE: Couple of hours.

1 DR. STRATTON: Yeah. I could stay for that.

2 CHAIRPERSON CLOKE: I appreciate that very

3 much.

4 MS. BUCKNER-LEVY: Do we know whether or not

5 Dr. Kozin will be here?

6 DR. STRATTON: I've got a call in to her

7 office, but I'll try again later.

8 MS. BUCKNER-LEVY: Thank you.

9 CHAIRPERSON CLOKE: When she arrives, if

10 you'll let us know --

11 DR. STRATTON: Yes.

12 CHAIRPERSON CLOKE: -- that would be great.

13 DR. STRATTON: I should say that Dr. Rangan

14 does have an afternoon commitment, and he had

15 promised to be here through noon. So if you have any

16 additional questions of him, that would be the window

17 of his availability.

18 CHAIRPERSON CLOKE: Thank you. We'll keep

19 that in mind.

20 Dr. Rangan?

21 DR. RANGAN: Thank you very much. I'll keep

22 my presentation on the short end. As Dr. Stratton

23 mentioned, I'm the Director of the Toxics

24 Epidemiology Program here at the L.A. County

25 Department of Health. And I just came on just a few

1 months ago. So this issue is a new one to me.

2 I have had the opportunity to read  
3 through the majority of the materials that have been  
4 written up throughout the past several years on this  
5 issue. And what I can tell you is the following.

6 Whenever we have -- I'm speaking in  
7 general terms here -- but whenever we have a  
8 situation in a community where we have some perceived  
9 health effects that may or may not be related to an  
10 environmental factor, there are a few things that we  
11 kind of need in order to make sure that we can  
12 establish a link between an environmental toxicant or  
13 pollutant or agent and biological effects.

14 One, we need a biological effect. We  
15 need to say that there is a cluster of a certain kind  
16 of disease, that there's tons of people having  
17 leukemia, that there's a lot of people having a  
18 certain kind of other kind of disease, and it's  
19 unusually high in terms of frequency and rate  
20 compared to what you would expect for a community of  
21 this size and location.

22 Then you need an environmental factor.  
23 You need something in the environment that you can  
24 say, "You know, this thing that's being released in  
25 the environment has the potential to cause X, Y,

1 and Z health effects."

2 And then the third thing you need --  
3 and one of the most difficult to establish -- is a  
4 link between the two. And the link has to be some  
5 kind of known link between an environmental factor  
6 and a health effect.

7 For example, if there was a pile of  
8 arsenic sitting in front of me and I develop lung  
9 cancer next week, I can certainly say, "There's a  
10 link between the two," because we know that high  
11 levels of arsenic can cause lung cancer.

12 But unless there is some kind of link  
13 like that or a theorized link between an  
14 environmental factor and health effects, then it's  
15 hard to move forward in terms of trying to establish  
16 whether something like a landfill is causing a  
17 certain body of health effects.

18 Now, Dr. Stratton mentioned that  
19 Dr. Papanak, Paul Papanak, was involved with this  
20 issue a number of years ago. In 1993, he examined  
21 this issue very closely. And I'd like to reiterate  
22 some of the findings that he had at that time.

23 When you consider doing an  
24 environmental-type study, an epidemiologic study, to  
25 try to gather data and establish a relationship

1 between environmental causes and health effects, he  
2 came up with the following conclusions: The first is  
3 that it would be nearly impossible to demonstrate a  
4 cause-and-effect relationship between landfill  
5 exposure and health effects.

6                   Now, I can give you an example of why  
7 this fact comes into being. If you have, for  
8 example, a lot of people in the community who say,  
9 "I've got a lot of sinusitis. I've got a lot of  
10 breathing problems. I've got a lot of nasal  
11 congestion," you know, to simply say that you have  
12 these diseases and to say there is a presence of  
13 possible environmental pollutants is not enough to  
14 establish cause and effect.

15                   There has to be some kind of mechanism  
16 by which those environmental pollutants are getting  
17 to you and causing those problems. So until there is  
18 a cause-and-effect relationship or at least a  
19 theorized mechanism by which those pollutants can be  
20 getting to you, there's not much you can hang your  
21 hat on.

22                   The second conclusion that he came up  
23 with is that there are no really no accurate measures  
24 of pollutant exposures for individual citizens. So,  
25 for example, you may have one person in the community

1    who's totally healthy; and you have another person in  
2    the community who's complaining of certain health  
3    effects or certain illnesses.

4                   There's no way that we can go to each  
5    of those people and take them as examples of the  
6    community and measure levels of Chemical X,  
7    Chemical Y, and Chemical Z and say that, "Based on  
8    these levels, you have no health effects; and based  
9    on these levels, you have these health effects."

10                   So by the fact that we have no what we  
11   call "biomonitoring ability" of individual citizens  
12   to say what your exposure level is, that presents  
13   another roadblock to studying that kind of a problem.

14                   From a methodology standpoint -- this  
15   is the third conclusion that Dr. Papanak came up  
16   with -- we have a problem in this kind of data  
17   gathering in that it's hard to know that the data  
18   that you're gathering is, in fact, valid data.

19                   And what do I mean by "valid data"?  
20   I'm not saying whether it's truth or lie. But what  
21   I'm saying is that, when you're gathering data, you  
22   like to gather it in a rather -- in somewhat of a  
23   prospective fashion. You like to start at Point Zero  
24   and move forward.

25                   When you're gathering data in a

1 situation like this, you're working backwards in a  
2 lot of ways. So what you're doing is saying, "Well,  
3 we have this problem that we've been talking about  
4 for a number of years. And now we'd like you to go  
5 ahead and recall and try to remember what happened to  
6 you in 1996 with this health effect or that health  
7 effect."

8                   And there tends to be a lot of what we  
9 call "bias" when you try to select and recall data  
10 like that. So that really puts a big monkey wrench,  
11 so to speak, into the methodology of collecting that  
12 kind of data.

13                   And the fourth, and probably the most  
14 important, is that, when you consider the incremental  
15 risks associated with landfill exposure, they're  
16 likely to be quite small unless there, for example,  
17 is a big accident.

18                   If there's a big chemical spill or if  
19 we find that high, high levels of a certain chemical  
20 or chemicals have been released over a period of  
21 time, then you've got something to stand on.

22                   But when you're talking about levels  
23 of chemicals that are released at very, very low  
24 levels over the course of a long period of time, then  
25 the risks, in general, are very small. In order to



1 do epidemiological studies and make them have any  
2 meaning, there has been a high level of risk. And  
3 then you correlate that risk to the biological  
4 effects.

5                   So based on these four conclusions,  
6 Dr. Papanak evaluated this situation as being not  
7 very feasible to conduct a full epidemiologic study  
8 because, even if you did conduct a study like that  
9 and even if you have all the numbers, the question is  
10 "What would I do with these numbers?" And most  
11 likely I would come to the same conclusion that we  
12 have now which is that, as long as all the laws are  
13 being followed, then the public should not be at any  
14 significant risk.

15                   So at this point I would say that, if  
16 we -- if the situation changes -- for example, there  
17 is evidence that there are massive leaks of certain  
18 chemicals where, if chemicals that are found in the  
19 environment to be at high levels that are well beyond  
20 the regulation levels that we've established or if we  
21 find that a number of people are getting the very  
22 exact same health effect all at the same time --  
23 those are reasons that we'd jump in and do an  
24 epidemiologic study to try to establish cause and  
25 effect.

1                   At this point, since we're not seeing  
2   that, I think status quo is the best way to view  
3   this.

4           CHAIRPERSON CLOKE: Thank you, sir. And, if  
5   we have questions for you, we'll get them back to you  
6   when the time comes --

7           DR. RANGAN: Sure. I'll be certainly here till  
8   about noon or so. Then I have another commitment.

9           CHAIRPERSON CLOKE: I understand. Thank you  
10   very much.

11                   I think our court reporter can use a  
12   break, and I thought we'd take a 10-minute break.

13                   We're just having a little discussion  
14   among ourselves about whether or not we want to take  
15   a break now or hear from the discharger community  
16   first. So if you just hang for second, we'll let you  
17   know our decision.

18                   Okay. We've had our discussion, and  
19   we're taking a 10-minute break. We will be back here  
20   in 10 minutes.

21                   (Break: 10:20 - 10:40 A.M.)

22           CHAIRPERSON CLOKE: Hello, everyone. Will you  
23   please take your seats. We're about to resume the  
24   meeting. At this time I would like to ask the  
25   representatives of BFI --

1           MR. EDWARDS: Good morning, Madam Chair,  
2 Members of the Board. Can everybody hear me, too,  
3 okay in the back?

4                   Are they raising their hands?

5           CHAIRPERSON CLOKE: No. No hands are up now.

6           MR. EDWARDS: Okay. All right. My name is  
7 Dave Edwards. And I am the Project Director for the  
8 Sunshine Canyon Landfill Project. We also have  
9 members of our team here with us today who can answer  
10 any questions you may have regarding stability,  
11 liner, or air quality.

12                   This morning my presentation will be  
13 brief and will touch upon a brief overview of  
14 Sunshine Canyon, the need for the landfill,  
15 environmental-protection systems, and community  
16 involvement.

17                   Sunshine Canyon Landfill's been  
18 handling the waste needs for the City and County of  
19 Los Angeles for more than 45 years, having received  
20 official authorization from the City in 1958. Before  
21 the landfill in the County and the approvals given by  
22 the City, two separate EIRs were prepared for the  
23 site, one in 1993 for the County operation, and a  
24 second in 1999 as part of the City approval process.

25                   Real briefly, shown here in shaded

1 red, is Phase 1 of Unit 2, which is what Mr.  
2 Dickerson described, consisting of 84 acres contained  
3 within the 194-acre, 55-million-ton City Landfill  
4 Unit 2, which was approved in 1999.

5 Now I'd like to talk about the need  
6 for Sunshine Canyon. Sunshine Canyon Landfill is  
7 needed to provide increased disposal capacity to meet  
8 the anticipated disposal needs for the City and  
9 County of Los Angeles.

10 Currently the City of Los Angeles,  
11 residents and businesses, generate more than 12,000  
12 tons per day of waste. Approximately 5,000 tons of  
13 L.A. County waste, of which the City is a part of, is  
14 sent out of County for disposal. Without the ability  
15 to export this waste to other counties, L.A. County  
16 does have not sufficient disposal capacity to handle  
17 its disposal needs.

18 Even today, the area's two largest  
19 landfills -- Sunshine Canyon Landfill and Puente  
20 Hills Landfill -- reach daily capacity and close each  
21 day by noon.

22 Environmental protection: As part of  
23 our environmental-protection measures, we work very  
24 closely with the Regional Water Quality Control  
25 Board, which conducts regular site inspections at the

1 landfill. BFI also submits regular reports for the  
2 Board regarding its compliance with the site's waste  
3 discharge requirements.

4                 Sunshine Canyon Landfill works very  
5 closely with its local enforcement agent-inspector  
6 monitoring daily operations. As a result, Sunshine  
7 Canyon Landfill receives close to 3,500 hours of  
8 inspection each year as compared to others in the  
9 State receiving only one or two inspections per  
10 month.

11                 Sunshine Canyon Landfill works closely  
12 with the LEA to ensure that the provisions of Title  
13 27 are met.

14                 In general, environmental protections  
15 of Sunshine Canyon are encompassed in three broad  
16 systems. First, natural-protection features.  
17 Second, design features including liner system,  
18 extraction trench, solar-discharge systems, and  
19 gas-recovery systems. Third, we also have  
20 operational systems for environmental protection.

21                 Regarding natural-protection features,  
22 the site is founded on low-permeability bedrock.  
23 Groundwater under the site is not potable, meaning  
24 that it is not drinkable. No direct connections with  
25 any other potable groundwater resources outside of

1 Sunshine Canyon. And there's no active earthquake  
2 faults on-site.

3 I'd like to talk a little bit about  
4 the design features. The composite-liner design  
5 meets or surpasses all state and federal regulations  
6 and, in fact, the composite-liner design meets the  
7 more stringent design requirements for Class II  
8 landfills.

9 The liner's designed to withstand a  
10 maximum credible earthquake, defined as "the most  
11 damaging earthquake that could conceivably occur."  
12 The liner system at Sunshine also has proof of  
13 performance, having no issues on the County Side and  
14 also utilizing the same liner design as Lopez  
15 (phonetic) Canyon, that withstood the 6.7-magnitude  
16 Northridge earthquake.

17 Very briefly on the liner: Presented  
18 this is a cross-section of the liner used at Sunshine  
19 Canyon. It shows a little bit more detail than was  
20 previously seen in Mr. Dickerson's presentation.

21 I want to emphasize the number of  
22 layers of protection within the liner system and,  
23 secondly, point out the subdrain system -- subdrain  
24 system employed at Sunshine Canyon to prevent  
25 hydraulic pressure from building up underneath the

1 liner. Also shown here are pipes used to collect  
2 subdrain waters.

3                   A shallow water-extraction trench has  
4 been constructed at the mouth of Sunshine Canyon.  
5 The trench extends through alluvial soils to bedrock,  
6 where shallow groundwater is intercepted and  
7 extracted before it leaves the site. Additionally, a  
8 separate cutoff wall or walls downgradient from the  
9 first trench will be constructed.

10                   Shown here is a cross-section of the  
11 extensive stormwater system employed at Sunshine  
12 Canyon Landfill. As rain falls, stormwater is  
13 directed away from the working face to drainage  
14 channels located within the landfill where it is  
15 routed to sedimentation basins and then out to the  
16 County storm drain system.

17                   Water that has come in contact with  
18 waste is collected and is pumped -- treated and then  
19 pumped to the L.A. City sewer system.

20                   Sunshine Canyon has an extensive  
21 existing gas-recovery system to control migration of  
22 landfill gas. Gasses are collected from a series of  
23 wells and collection pipes and are routed to flares  
24 for incineration. A similar system of wells is  
25 proposed to be installed as part of the development

1 of Phase 2 of Unit 2 landfill.

2                   The final way BFI protects environment  
3 is through the implementation of comprehensive  
4 operational programs. The system includes exclusion  
5 of hazardous, radioactive, untreated medical and  
6 liquid waste through a very stringent load-checking  
7 program.

8                   The landfill and gas-recovery systems  
9 are kept in good repair at all times through an  
10 extensive maintenance and monitoring program. To  
11 control the generation of dust, all active areas --  
12 active stockpile and construction areas -- are  
13 continuously moistened with water. Also all access  
14 roads to permanent facilities are paved.

15                  During high-wind events, the frequency  
16 of water is increased and approved soil sealants are  
17 used. Also the working face of the landfill is also  
18 reduced in size. And, as I've discussed previously,  
19 waters that come in contact with water or leachate is  
20 collected, treated, and disposed of in the City sewer  
21 system.

22                  Also, as I mentioned previously, we  
23 work hand in hand with the L.A. inspector who is  
24 on-site during operating hours to ensure provisions  
25 of Title 27 are met.



1                   Finally, we employ a caretaker who  
2     monitors the site during off hours and can notify  
3     site personnel if there's any issues that may arise.

4                   Community involvement: BFI, as part  
5     of the development of Sunshine Canyon Landfill, has  
6     been holding and participating in public hearings and  
7     meetings since 1988.

8                   More than 60 hearings and meetings  
9     have been conducted. The most recent in May of 2000,  
10    in front of the California Integrated Waste  
11    Management Board, included a video-teleconference  
12    from Sacramento to Granada Hills and then, in June  
13    here, two public workshops held in front of your  
14    Board.

15                  As a result of this community input,  
16    there have been 34 new or modified City conditions or  
17    mitigations implemented during the approval process  
18    for the City Side Landfill. In addition to that,  
19    several changes were also made to the solid-waste  
20    facility's permit as a direct response to community  
21    input.

22                  Further, your Board staff has  
23    incorporated community comments into the tentative  
24    WDRs. Finally, I'd like to say that a new public  
25    advisory committee will be formed for the City Side

1 operation. A County Side advisory committee already  
2 exists and was established in 1997 for our City -- or  
3 excuse me -- our County operation.

4 As shown here in this, lots of letters  
5 received from supporters. Landfill has support from  
6 elected officials, the business community,  
7 environmental groups, and private citizens.

8 In conclusion, the project is  
9 supported by two certified EIRs involving years of  
10 extensive public review and comment. The project is  
11 critical to meeting the waste-disposal needs of the  
12 City and County of Los Angeles. The composite-liner  
13 design exceeds all state and federal regulations.  
14 Drinking water resources are not impacted by the  
15 landfill operations. Through natural occurrences,  
16 water under the site is not drinkable.

17 No direct connection exists between  
18 the site and nearby drinking water resources.  
19 Construction and diversion techniques protect ground-  
20 and drinking water resources on- and off-site. There  
21 are no active faulting on-site.

22 The landfill is designed for a maximum  
23 credible earthquake, the most damaging earthquake  
24 that could occur. Also, excavations are mapped by a  
25 registered geologist -- registered geologist and

1 field-verified by the Water Quality Control Board  
2 staff.

3 Finally, the project reflects very  
4 careful planning. We'll have a full-time inspector  
5 to monitor daily operations. It meets the highest  
6 standards for landfill design and operation and  
7 incorporates safeguards to protect the surrounding  
8 community, BFI employees, and the environment.

9 Thank you very much. And if you have  
10 any questions, we'll be happy to answer them.

11 CHAIRPERSON CLOKE: Thank you, Mr. Edwards.  
12 We're going to hold our questions until we've heard  
13 from everyone --

14 MR. EDWARDS: Thank you.

15 CHAIRPERSON CLOKE: -- on their cards.

16 But if you could submit -- do you have  
17 a copy -- do you have something showing the slides?

18 MR. EDWARDS: Yes, I do.

19 CHAIRPERSON CLOKE: If you could submit  
20 that -- and you had a series of letters in one of the  
21 slides. We've never seen any of those. Do you have  
22 those to submit as well?

23 MR. EDWARDS: Yes, we do.

24 CHAIRPERSON CLOKE: So if could you give those  
25 to Miss Harris.

1           MR. EDWARDS: Okay. Thank you.

2           CHAIRPERSON CLOKE: Thank you.

3                   At this time, I'd like to ask

4 Mr. Williams to come forward.

5                   Welcome, Mr. Williams.

6           MR. WILLIAMS: Thank you, Madam Chair.

7                   On behalf of the mayor and many

8 community members who are here today, I want to thank

9 you for the opportunity to address you on behalf of

10 the mayor and, again, the community.

11                   This Sunshine Canyon matter is very

12 much like the story that was once told of the man who

13 was lost on a dirt road. He saw a young woman on the

14 dirt road and asked her, "Do you know which way east

15 is?

16                   She said, "No."

17                   He said, "Do you know which west is?

18                   She said, "No."

19                   "Do you know which way north is?"

20                   She said, "No."

21                   And he says, "Well, what do you know?"

22                   "I'm not lost."

23                   That's sort of like this matter here.

24 There's been a lot of scientific evidence, a lot of

25 pros and cons discussed, a lot of opinions given.

1 But the one thing that we do know is that we believe  
2 that this facility is a definite threat to our  
3 community. It's a threat to our environment. It's a  
4 threat to our water.

5 I'd like to read to you the statement  
6 from the mayor, and I'll give a copy of the statement  
7 to your secretary here.

8 "Dear Ms. Cloke: I'm writing to  
9 express my concerns regarding the proposed expansion  
10 of the Sunshine Canyon Landfill. As mayor, I place  
11 the health and well-being of the citizens of  
12 Los Angeles as my highest priority.

13 "Because of the threat to the health  
14 and safety of our community as well as the negative  
15 environmental consequences of the proposed facility,  
16 I'm strongly opposed to the Sunshine Canyon Landfill  
17 expansion proposed by BFI Industries of California.

18 "As a result of the site's close  
19 proximity to the main water supply for the City of  
20 Los Angeles and the omnipresent danger of groundwater  
21 contamination occurring as a result of activities at  
22 the proposed site, it is imperative that we place the  
23 strictest amount of scrutiny upon any activity within  
24 this area.

25 "In light of this, I continue to have

1 several concerns about the siting of this landfill  
2 within this area."

3 Now, I know there's been some  
4 discussion today about the seismic activity today.  
5 But the mayor's comments are these: "Perhaps the  
6 most obvious concern is the history of seismic  
7 activity within the area and the potential leakage of  
8 contaminants to the groundwater. It's well known  
9 that there are several faults within the area.

10 "Every precaution must be taken to  
11 ensure that, as a result of any seismic activity, the  
12 proposed liner does not allow the seepage of leachate  
13 or other contaminants into the groundwater, into  
14 Los Angeles reservoir, or any of the adjacent inlet  
15 tunnels.

16 "Likewise, the Los Angeles reservoir's  
17 located about one-and-a-half miles southwest of the  
18 proposed Sunshine Canyon facility. As a result of  
19 the geologic formation of the canyon, the area  
20 sometimes can have the attributes of a wind tunnel.  
21 I've seen it myself.

22 "These high winds are easily capable  
23 of carrying debris and contaminants from the proposed  
24 landfill to the already-treated water of the  
25 Los Angeles reservoir. Such contamination could

1 potentially put the health and welfare of millions of  
2 Los Angeles residents at risk."

3 "In a letter dated April 11 by the  
4 Executive Officer -- Dennis Dickerson -- to BFI, the  
5 Regional Water Quality Control Board found that  
6 volatile organic compounds at measurably significant  
7 levels were detected in the subdrain waters of the  
8 existing landfill.

9 "The Board, and rightfully so,  
10 recognized the danger that this presented, took  
11 appropriate action by requesting that BFI comply with  
12 a number of measures including submitting a revised  
13 report waste assurance to the Regional Board,  
14 proposing an evaluation monitoring program, and  
15 within a number of days of the letter submitting a  
16 preliminary and engineering feasibility study meeting  
17 the requirements of the Code of Regulations.

18 "Now, while BFI has responded to this  
19 request, I believe the Board should take its time to  
20 fully analyze their response and assure that the  
21 proper plan provides the highest level of protection  
22 to the residents of the community and to the  
23 environment.

24 "This Board has an important  
25 responsibility and obligation to the residents and

1 families in the neighboring area to ensure that all  
2 the issues raised in this correspondence, as well as  
3 those raised by the members of the community, are  
4 fully resolved. Until such time, no permit should be  
5 issued.

6 "Thank you for your consideration of  
7 these very important matters. James K. Hahn, Mayor  
8 of the City of Los Angeles."

9 Thank you.

10 (Applause.)

11 CHAIRPERSON CLOKE: May I ask -- will you be  
12 able to stay so that we can ask you some questions  
13 during the question period?

14 MR. WILLIAMS: Yes. For a portion, until I've  
15 got to go to another meeting.

16 CHAIRPERSON CLOKE: If you -- if we get close  
17 to the time when you're going to have to go to your  
18 other meeting, could you let our staff know so that  
19 we can ask you questions before you leave?

20 MR. WILLIAMS: Absolutely.

21 CHAIRPERSON CLOKE: I'd appreciate that,  
22 Mr. Williams.

23 MR. WILLIAMS: Thank you, again.

24 CHAIRPERSON CLOKE: Thank you.

25 Ladies and gentlemen, a lot of people



1 are going to be commenting today. You may agree with  
2 them. You may disagree with them. I think it makes  
3 a difficult environment in which to testify if the  
4 audience expresses either approval or disapproval as  
5 a body.

6 So I would you ask you to refrain from  
7 clapping or otherwise showing your support or your  
8 disapproval if that's what you feel. This is a  
9 public hearing, and you are all testifying witnesses  
10 under oath here. The next -- so I would appreciate  
11 your understanding.

12 The next speaker is going to be  
13 Mr. Gideon Kracov from the City Attorney's office.  
14 You're not here?

15 The next speaker will be --

16 MR. KRACOV: I'm here.

17 CHAIRPERSON CLOKE: -- Mr. --

18 MR. KRACOV: Madam Chair?

19 UNIDENTIFIED VOICE: We can't hear.

20 CHAIRPERSON CLOKE: Yeah. The people can't  
21 hear. So I was repeating your name for them.

22 And the next speaker will be Mr.  
23 Grideon -- Gideon -- excuse me -- Kracov from the  
24 City Attorney's Office.

25 MR. KRACOV: Thank you, Madam Chair Cloke. My

1 name is Gideon Kracov. I'm a deputy Los Angeles city  
2 attorney. City Attorney Rocky Delgadillo asked me to  
3 appear today to comment on this Waste Board's waste  
4 discharge permit for the expansion of Sunshine Canyon  
5 Landfill.

6 Protecting our neighborhood is the top  
7 priority of the Los Angeles city attorney's office.  
8 To City Attorney Delgadillo, "public safety" means  
9 ensuring a clean environment and protecting public  
10 health. A healthful environment is the foundation of  
11 a good quality of life.

12 Already we know that volatile organic  
13 chemicals are present in the water collected in the  
14 Sunshine County -- Canyon County Landfill subdrain  
15 and Groundwater-Monitoring Well Number 10. And  
16 Mr. Dickerson today talked about detection of  
17 dioxane.

18 Already community members complain of  
19 odors they link to sewer discharges from the  
20 landfill. These discharges have increased  
21 dramatically in the last year and likely will go up  
22 each year the County and City landfills accept trash.

23 The sewer runs through a buffer zone  
24 created in 1958 that prohibits "cut-and-fill  
25 operations" and then through a residential

1 neighborhood in Granada Hills. The city attorney  
2 does not believe that this is an appropriate place  
3 for a landfill. This is why City Attorney Delgadillo  
4 joins with the mayor, Los Angeles city council  
5 members, and the North Valley community to oppose  
6 permits that allow Sunshine expansion.

7                   Today we wish to raise four specific  
8 issues with regard to your permit. First, the permit  
9 must ensure in writing that the City subdrain system  
10 will not be connected to the County's subdrain where  
11 releases have occurred. Otherwise the subdrain  
12 releases from the County may spread to the City  
13 subdrain.

14                   Also we must get to the bottom of  
15 subdrain releases. Are they caused by a leak in the  
16 liner system at the County?

17                   Two. This Board must regularly  
18 perform independent testing of the groundwater-  
19 extraction trench of the downgradient area. This is  
20 the last line of defense to stop groundwater  
21 contamination from exiting the site. And this system  
22 must work perfectly, when and if it is needed, even  
23 if for our children's generation.

24                   This trench must be recognized as the  
25 top priority. This Board must ensure that the trench

1 system is upgraded with additional protections and  
2 best technology including the proposed cutoff wall,  
3 which must be effective.

4 Three. This Board and the City should  
5 reexamine sewer discharges from the combined County  
6 and City operations to ensure that the sewers have  
7 capacity for the increasing volume of Sunshine Canyon  
8 sewer discharge.

9 The city attorney recommends that  
10 plans to create a new leachate-treatment facility and  
11 sewer line along nonresidential San Fernando Road be  
12 expedited to decrease the sewer impacts on the local  
13 communities.

14 Four, and lastly, our city council  
15 recently prohibited the use of certain daily cover  
16 materials for Sunshine Canyon, including banning the  
17 use of contaminated soil. And your permit should  
18 reflect these local requirements.

19 The city attorney will continue to  
20 work with other City departments to go above and  
21 beyond minimum standards at this landfill. We  
22 promise to comment on the corrective-action plan for  
23 the landfill groundwater to your landfill section;  
24 Mr. Nelson's group, who are very responsive to  
25 inquiries from the City; and our LEA.

1                   And we promise a tough City landfill-  
2   enforcement program. Public health demands this  
3   precautionary approach.

4                   Thank you very much, Board Members,  
5   for the opportunity to address you. We look forward  
6   to working with you, the community, other elected  
7   officials, and the landfill operator to ensure a just  
8   environmentally protective outcome at Sunshine  
9   Canyon.

10                  These comments, I've provided in  
11   writing. And I'll be able to stay around as long  
12   as necessary to answer your questions, if there are  
13   any.

14                  CHAIRPERSON CLOKE: Thank you very much.

15                  Miss Bernson.

16                  MS. BERNSON: Good morning, Madam Chair,  
17   Members of the Board. I thank you for the  
18   opportunity to address you today. I am legislative  
19   deputy for Council Member Greig Smith of the 12th  
20   District. And I would like to read a letter that  
21   Mr. Smith asked me to enter into testimony today.

22                  "Dear Board Members: As the  
23   councilman of the 12th District, my primary duty is  
24   to ensure the safety of the residents of the north  
25   San Fernando Valley. I have often said that

1 landfills and neighborhoods don't mix, particularly  
2 when the landfill in question is in such close  
3 proximity to the residential neighborhoods, schools,  
4 and the regional water supply.

5 "Sunshine Canyon Landfill is one of  
6 the largest landfills in the country and is located  
7 less than a mile and a half from the largest water-  
8 treatment facility in the United States. Though the  
9 applicant has stated that the landfill's lining will  
10 protect contaminated leachate from reaching the water  
11 table, the EPA has stated categorically that all  
12 liners leak.

13 "On the County side, the liner has  
14 already been breached, allowing hydrogen sulfide to  
15 leak into the subdrain. Additionally, since the old  
16 city portion of the dump is unlined, any new liner  
17 would have to be placed on top of an unstable mass.

18 "The current liner was set up to  
19 handle displacement of up to 15 inches. The 1994  
20 Northridge earthquake caused 18 inches of movement on  
21 that site.

22 "Of at least as much importance is the  
23 fact that the nearby Metropolitan Water District's  
24 treatment facility serves 17 million customers in  
25 Los Angeles and the surrounding areas. Additionally,

1 the DWP's Los Angeles reservoir -- uncovered and  
2 containing post-treated water -- is extremely close  
3 to the site.

4 "Birds are thought to carry  
5 contaminants ingested at the landfill to the  
6 reservoir through their defecation. There is no  
7 secondary treatment process for this water.

8 "In 1998, at a Los Angeles City  
9 zoning-revocation hearing, the City zoning  
10 administrator determined that this landfill is in the  
11 wrong place, given the strong winds which blow from  
12 the north. There can be no doubt that aerial  
13 contamination will be a significant factor.

14 "The water that arrives from the north  
15 via the California aqueduct is delivered to the MWD  
16 through the Balboa inlet tunnel, a tunnel that has  
17 been severely fractured during the last two  
18 earthquakes. At times, the hydrostatic 'pressure  
19 head' in the tunnel is approximately 3 to 19 feet  
20 lower than groundwater levels, a condition under  
21 which groundwater may seep into the tunnel.

22 "Given all these factors, it is not a  
23 question of if but of when and by how much our  
24 groundwater and drinking water supply will be  
25 contaminated if the City Side of the landfill is

1 permitted to reopen.

2 "I prevail upon your better judgment  
3 to protect the health and safety of the citizens of  
4 Los Angeles and the surrounding areas by not granting  
5 the WDR.

6 "Yours sincerely, Greig Smith,  
7 Councilmember, 12th District."

8 And I'll submit these to you for your  
9 records.

10 CHAIRPERSON CLOKE: Thank you, Miss Bernson.  
11 Will you be able to stay for  
12 questions?

13 MS. BERNSON: I will.

14 CHAIRPERSON CLOKE: I appreciate that.  
15 Okay. Our next speaker is going to be  
16 Ms. Bonny Herman. Are you here, Ms. Herman? And  
17 many of you -- many of the cards, remaining cards --  
18 Please come up.  
19 -- many of the remaining cards that I  
20 have are from people who have already spoken at the  
21 public hearing that we held on the 18th. And your  
22 testimony is in the transcript, which is in our Board  
23 binders, which every Board Member has read. So I am  
24 going to ask those of you, especially those of you  
25 who have spoken before and whose testimony is in the



1 transcript, to limit your remarks to two minutes.

2                   If you need more than two minutes or  
3 you didn't speak at the hearing, please let me know  
4 when you come up. And we'll set the clock especially  
5 for you.

6                   Thank you, Miss Herman.

7                   MS. HERMAN: Thank you, Madam Chair and  
8 Members of the Board. I appreciate being here this  
9 morning to represent VICA. I am their president and  
10 CEO and have been since 1986. I'm not a stranger to  
11 this issue.

12                   "VICA" stands for the "Valley Industry  
13 and Commerce Association," which was founded in 1949  
14 as the "Industrial Association of the San Fernando  
15 Valley." And we are there to help the economic  
16 growth in the San Fernando Valley.

17                   We changed our name from the  
18 "Industrial Association of the San Fernando Valley"  
19 in 1981 to reflect the addition of commerce in the  
20 valley and have watched the growth and we really try  
21 to balance growth and the quality of life, to those  
22 many years. And I think we've done pretty -- pretty  
23 good, working with our city, council, and federal  
24 officials on that.

25                   The history's of importance and also

1 the fact that VICA has been involved with this for so  
2 many years. And I've testified. Members of VICA  
3 have testified. Staff have testified for 10 these 17  
4 years. And we're always on the same podium with  
5 representatives from the City and the County.

6 Our position at VICA has not changed.  
7 We're going to support this landfill until the City  
8 and the County come up with a plan. We have no  
9 choice. When you talk about balance -- economic  
10 balance and health balance are certainly very, very  
11 important. And that's what we're here to say today.

12 Until the City and the County have a  
13 viable plan that shows what we're going to do -- this  
14 landfill is closing at 12:00 because it's full.  
15 There clearly is an indication that we need to have a  
16 plan.

17 And as economic opportunities are  
18 eclipsing in the State, land values are going to get  
19 more expensive. It will be more difficult to certify  
20 and regulate and purchase other landfills for the  
21 City of Los Angeles.

22 You have no choice but to go ahead  
23 with this permit. There is no option because there's  
24 no economic opportunity there for the City right now  
25 to have an alternative plan. So as long as that is

1 the way things are, VICA will continue to support the  
2 landfill. Thank you for the opportunity to speak.

3 CHAIRPERSON CLOKE: Thank you, Miss Herman.

4 And will you be able to stay for  
5 questions?

6 MS. HERMAN: Only until 12:00.

7 CHAIRPERSON CLOKE: Okay. We'll do our best.  
8 Thank you.

9 Miss Bendikson -- Becky Bendikson?

10 And after Ms. Bendikson, we're going  
11 to have Mrs. Hoffman.

12 MS. BENDIKSON: My name is Becky Bendikson.  
13 I'm the Chairperson of the Granada Hills North  
14 Neighborhood Council. We are part of the city, and  
15 our council represents over 28,000 residents. At a  
16 special meeting on June 26, 2003, the neighborhood  
17 council board voted to officially oppose the  
18 expansion of the Sunshine Canyon Landfill.

19 As I'm sure you are aware today, as we  
20 heard, the City of Los Angeles Mayor James Hahn who  
21 represents over 3 million people, has taken a strong  
22 position in opposition to expansion of the Sunshine  
23 Canyon Landfill.

24 Many persons -- including  
25 representatives from the federal, state, and local

1 government -- testified before your Board on June 18,  
2 2003, and were told that your staff would respond to  
3 our concerns. A review of the responses indicates  
4 your staff has not satisfactorily considered the  
5 gravity of this matter.

6 For example, one states, "If any of  
7 the WDRs are found not to protect water quality, the  
8 WDRs will be revised or be replaced."

9 When will these violations be found?  
10 How much damage will be done by then? And what would  
11 the penalty be for the violations?

12 You responded to my request for a web  
13 site posting, in a timely fashion, results of all  
14 water testing and any violations -- "The data is kept  
15 at the Regional Board for public review. Electronic  
16 posting of data will be done as resources become  
17 available."

18 Those resources are available today.  
19 The applicant can be required to pay for an unbiased  
20 third party to scan data into a web site. Web sites  
21 can be obtained for at little as \$10 a month.

22 In Item 43-I, you are asked, "Who will  
23 be legally liable party when pollutants begin to  
24 appear in the area's water system?"

25 The answer? "BFI is the legally

1     liable party for any pollution the landfill may cause  
2     during the operation of postclosure periods."

3                     "Who is responsible when they file for  
4     bankruptcy?" I asked.

5                     The 30-plus years of experience of  
6     Mary Edwards plus the decade of experience Wade  
7     Hunter have in living near this landfill -- surviving  
8     two major earthquakes, studying its effects, and  
9     listening to the complaints of thousands of  
10    persons -- should be given more weight than all of  
11    your staff combined.

12                    When you consider this decision  
13    affecting over 17 million persons, you need -- who  
14    need this precious commodity, remember. Your names  
15    and reputations will be attached this judgment.

16                    Please don't make a decision against  
17    the wishes of the community, the people who have  
18    lived here for decades and know what it was like  
19    before the landfill and the many negative impacts  
20    imposed upon it now.

21                    Please deny this permit. If not,  
22    please put in the restrictions requested by the  
23    community.

24                    I was not contacted with reference to  
25    your cancer survey. But I would personally like to

1 let you know the cancer incidence of which I am aware  
2 in my immediate neighborhood. My husband, son, and  
3 myself moved to our current address in Knollwood  
4 community 13 years ago.

5                   Shortly after we arrived, we learned  
6 the woman across the street was dying of cancer; in  
7 approximately January, 1994, that my next-door  
8 neighbor was dying of breast cancer. In  
9 approximately 2000, her husband was diagnosed with  
10 prostate cancer. On January 2 of this year, my  
11 husband was diagnosed with Stage 4 colon cancer. Our  
12 dog died of a brain tumor in 1993.

13                   Will you hear us, please? Thank you.

14                   (Applause.)

15                   CHAIRPERSON CLOKE: Mrs. Bendikson, we have  
16 some water in the other room that I'm sure one of our  
17 staff would be happy to get for you. Would that be  
18 helpful to you?

19                   MS. BENDIKSON: Please.

20                   CHAIRPERSON CLOKE: Mrs. Hoffman, please.  
21 Mrs. Hoffman? Nancy Hoffman?

22                   UNIDENTIFIED VOICE: Can't hear.

23                   UNIDENTIFIED VOICE: Can't hear you.

24                   CHAIRPERSON CLOKE: Nancy Hoffman. Sorry. I  
25 didn't mean to shout your name.

1 MS. KINZLE: I'm sorry.

2 CHAIRPERSON CLOKE: I don't seem to get -- to  
3 be able to get quite loud enough today. Thank you,  
4 Mrs. Hoffman.

5 MS. KINZLE: I'm not Mrs. Hoffman. I'm Ann  
6 Kinzle, from the Reseda Chamber. Nancy had to leave  
7 and asked me to read her letter.

8 CHAIRPERSON CLOKE: Very good. We're happy to  
9 have you here.

10 MS. KINZLE: "The Mid-Valley Chamber supports  
11 the expansion of Browning Ferris Sunshine Canyon  
12 Landfill. As you are aware, Sunshine Canyon serves  
13 the entire San Fernando Valley and the adjacent  
14 region from -- in the location in the North San  
15 Fernando Valley for the general benefit of the  
16 community at large.

17 "The Sunshine Canyon Landfill  
18 expansion project is in a canyon that was a landfill  
19 for 30 years and closed in 1991 due to the expiration  
20 of the zone variance. Existing infrastructure  
21 already is in place to expand the current County  
22 landfill to join the closed City landfill."

23 Now, this is a letter written March 7  
24 of 2003. It may be already on file. Would you like  
25 me to continue?

1           CHAIRPERSON CLOKE: No. Just today's current  
2 letter will be good.

3                   Excuse me?

4           MS. KINZLE: Do you want me to continue  
5 reading the letter? It's already --

6           CHAIRPERSON CLOKE: We already have it, ma'am.

7           MS. KINZLE: So thank you.

8           CHAIRPERSON CLOKE: We appreciate your  
9 standing in for your friend.

10          MS. KINZLE: Well, I'm here to speak for the  
11 Reseda Chamber also.

12          CHAIRPERSON CLOKE: We appreciate that. Thank  
13 you, ma'am.

14                   Our next speaker will be Mr. Wade  
15 Hunter. Mr. Wade Hunter.

16          UNIDENTIFIED VOICE: Wade.

17          MR. HUNTER: Thank you, Members of the Board.  
18 If I could just put one of these -- yes -- that one.

19          CHAIRPERSON CLOKE: Miss Harris? Miss Harris,  
20 Do you have the timer working?

21          MS. HARRIS: Pardon me?

22          CHAIRPERSON CLOKE: Is the --

23          MS. HARRIS: Yes. Uh-huh.

24          CHAIRPERSON CLOKE: Okay. Thank you.

25          MR. HUNTER: Actually, before I start, I think



1 you can see it. I can't get much closer than that.  
2 But the big blob over here is obviously the dump, up  
3 on the top left side. And right in the center, you  
4 can see a big blue spot. And that's all their water.  
5 And you probably drink it.

6                   Anyway I'd just like to see those  
7 lines that are all around there -- the red lines are  
8 fault lines. And as you can see, that the Santa  
9 Susana fault line actually runs right around the dump  
10 itself. It actually crosses BFI's property.

11                   Anyway, again, Members of the Board,  
12 my name is Wade Hunter. I am the president of North  
13 Valley Coalition. And I'd like to say that today you  
14 may hear many issues from the people that you may  
15 have heard or read of before.

16                   And they -- and that's the people  
17 behind me -- are totally disenchanted with the  
18 process. And they feel they still have not been  
19 heard. And they are happy -- unhappy with staff's  
20 responses. And I'd just like to, on the side, to  
21 make a comment -- a comment about why we can't get a  
22 cancer study or anything, why that -- so many reasons  
23 why but not one darned reason why you should be doing  
24 it.

25                   And everybody in here, when they come

1 up, will tell you about cancers in their family.  
2 Mrs. Mary Edwards, who is going to come up, will tell  
3 you about cancers in her family. In all five  
4 adjoining properties, people have cancer.

5                   You guys need to recognize that we  
6 live below a landfill that impacts our daily lives.  
7 And it also impacts the water, and you really need to  
8 take these things into account.

9                   Anyway, I digress. These people --  
10 they -- they've participated in the process. And  
11 they've had other agencies defer water matters to  
12 you. This landfill poses -- quote -- "a clear and  
13 present danger to the future of the water supplies  
14 for the region."

15                   We are now depending on you to put all  
16 the necessary protections in to ensure the health,  
17 safety, and welfare of all the public, not just now  
18 but in the future. You need to look at this  
19 application more closely. There is no trash crisis.  
20 There are more promising technologies available. And  
21 given the input you receive today, there is no need  
22 to rush to judgment.

23                   This approval will represent  
24 incremental approval of the entire project. You and  
25 your staff are aware of the future City and County

1 expansion plans to an ultimate buildout of 215  
2 million tons. You must take this and the cumulative  
3 impacts of this project into consideration.

4                   You will also be undercutting the  
5 City-of-Los-Angeles's efforts to deal responsibly  
6 with its trash and to recycle and to do away with  
7 urban landfills. The mayor's committed to not  
8 renewing their contract with BFI in July of 2006, and  
9 an RFP is being issued by the City to handle the  
10 City's waste problems.

11                   Right now, I -- unfortunately a  
12 gentleman couldn't attend. He asked me if I'd read  
13 his letter in. It's a little bit lengthy. But  
14 I'll -- if I could just excerpt just a few little  
15 sections from it --

16           CHAIRPERSON CLOKE: Mr. Hunter, are your  
17 remarks concluded? That's the end of your --

18           MR. HUNTER: No. I have just a little bit  
19 more beyond that but --

20           CHAIRPERSON CLOKE: You're already over three  
21 minutes.

22           MR. HUNTER: Oh, I didn't hear. I didn't see  
23 a timer. I'm sorry.

24           CHAIRPERSON CLOKE: Okay. Well, I let you go  
25 on because you were on a roll here.

1           MR. HUNTER: I'm sorry. Then, could I just  
2 finish what I've got? And then I'll just turn in his  
3 letter.

4           CHAIRPERSON CLOKE: I would appreciate that.

5           MR. HUNTER: Okay. I'm sorry.

6           CHAIRPERSON CLOKE: That's all right.

7           MR. HUNTER: Mr. "Patrick" (phonetic) did send  
8 a letter speaking of his observations about the  
9 earthquake activities in the area and poses questions  
10 to the Board regarding what happens if, you know,  
11 during a very wet season, we have an earthquake, what  
12 would happen at the landfill? And I'll submit that.

13                     And also I had wanted to submit into  
14 the record, "Earthquake Spectra," which is a  
15 professional journal of Earthquake Engineering  
16 Research Institute. And they were commenting on the  
17 seismic response of "OII" (phonetic) landfills.

18                     Now, this is the poster child that's  
19 used by the whole industry, including your staff.  
20 And I'll --

21           CHAIRPERSON CLOKE: Mr. Hunter, I -- you said  
22 you were ready to conclude your remarks.

23           MR. HUNTER: Well, right. And I'm right  
24 there. I'm just three or four lines from finishing,  
25 and I'm done.

1                   And then just on one Page 29 at the  
2   end of this, it states that -- quote -- "Northridge  
3   earthquake data are very valuable for the evaluation  
4   of dynamic properties of the refuse up to this level  
5   of shaking.

6                   "However, still uncertain is the  
7   dynamic response of the landfill during a major  
8   earthquake generating intense shaking at the site and  
9   resulting in large-amplitude, nonlinear inelastic  
10  vibrations of the landfill."

11                  So after all of that and what they  
12  always give us as being the big example -- "Look how  
13  OII did" -- there's a big "however" at the end. And  
14  I'd like to submit that into the record. Thank you.

15                  CHAIRPERSON CLOKE: Thank you very much.

16                  Could we hear from Mrs. Mary Ellen  
17  Crosby, please? And after Mrs. Crosby, Mrs. Kinzle.

18                  And if you want to watch the timer,  
19  there it is, over there by Miss Harris, and it blinks  
20  yellow to give you a warning and then --

21                  MS. CROSBY: Is it that box there?

22                  CHAIRPERSON CLOKE: It's that little  
23  hard-to-see box, of course.

24                  MS. CROSBY: Thank you.

25                  CHAIRPERSON CLOKE: And I'll try to help too.

1 I appreciate that, you know, part of the reason that  
2 we have had the hearing out in the community was so  
3 that we could have the transcript and give people tow  
4 bites at the apple. So if you'll make this one a  
5 smaller bite, we'd appreciate it.

6 MS. CROSBY: First of all, I want to thank you  
7 for having this meeting and letting some of the  
8 little people have something to say. As you know,  
9 for many years, this has been known as "David and  
10 Goliath." We are the David. And you know who the  
11 Goliath is.

12 My name is Mary Ellen Crosby. And I  
13 am chairman of the Friends of O'Melveny Park. And  
14 I'm here to talk to you about the park. I don't know  
15 whether you know it's the second largest park in  
16 Los Angeles next to Griffith Park. And it's a nature  
17 park. And we have very good neighbors, I think,  
18 which is BFI. We border on that. We have a long  
19 line where we are mutual neighbors.

20 We have a creek -- when I say "we," I  
21 take the park very personally. I've been working  
22 with it for over 30 years. So I don't mean to sound  
23 possessive about it. But anyway, we have a creek  
24 which is known as "Bee Canyon Creek." And the dump  
25 is in Bee Canyon -- is in Bee Canyon.

1                   And the creek runs through the park  
2   and it empties into "Bull Creek." And Bull Creek, in  
3   turn, empties into Los Angeles River. And Bee Canyon  
4   Creek ends at Balboa. Balboa -- on the other side of  
5   it, is the big filtration plant.

6                   I'm just trying to give you some  
7   proximities of what goes on. Now, there was another  
8   creek in the park. And it was a spring. And it was  
9   up on the -- not in the park but in the canyon. But  
10  the dump blocked it off. And it no longer runs  
11  through the canyon.

12                  Now, there were a lot of birds at one  
13  time in our park. The Audubon Society used to come  
14  every year and check and absorb the -- absorb --  
15  senior moment -- watch the birds -- watch the birds.  
16  We don't have that many birds anymore. We have a lot  
17  of seagulls.

18                  And I'd like to know something -- how  
19  the dump was able to train those seagulls and those  
20  birds not to go across Balboa into the water  
21  department but to come down into the park and into  
22  our neighborhoods and leave their droppings. I think  
23  that's a real feat. And I'd like to know how they  
24  did that because they drop a lot of things in our  
25  area. I'll tell you that right now.

1                   Well, anyway, we used to have a lot of  
2   coyotes and mountain lions and deer. We have very  
3   few of them anymore, not that we mind, but we've been  
4   finding a lot o0 deer -- I mean a lot of coyotes with  
5   tumors. And there's a lot of people in our  
6   neighborhood -- that the dogs have tumors.

7                   Now, I'm not blaming anybody. But I  
8   just want to bring this up to your -- so you know  
9   what's going on. But we don't have many birds. And  
10  we're in a wind tunnel, and we get a lot of stuff  
11  that blows to the park from the dump.

12                  I know I'm done. I'm sorry. Just one  
13  more thing I'm going to say is I have a son, who I  
14  hope is a survivor of cancer -- it's only been two  
15  years. I've lived in my house for over 30 years.  
16  My son played in the park, which is right below the  
17  dump; went to school there.

18                  And I have a neighbor next door that  
19  has moved away who died six months after she moved.  
20  And I have a neighbor three doors up who has breast  
21  cancer who now lives in Northern California. But she  
22  lived there for 25 years. Thank you very much. I'm  
23  sorry I went over.

24                  CHAIRPERSON CLOKE: That's all right. Thank  
25  you, Mrs. Crosby.



1 Mrs. Kinzle?

2 MS. KINZLE: I'm Ann Kinzle, a resident of the  
3 valley for seven years.

4 CHAIRPERSON CLOKE: You look awfully familiar.

5 MS. KINZLE: Yes.

6 And I am the executive director of the  
7 Reseda Chamber of Commerce. I would like to express  
8 our support for the expansion of the Sunshine Canyon  
9 landfill operated by Browning Ferris -- BFI.

10 We believe this project represents the  
11 most effective and appropriate way to handle our  
12 region's trash in a safe and environmentally sound  
13 manner. Sunshine Canyon Landfill is important to the  
14 continued quality of life of the whole San Fernando  
15 Valley.

16 Where's our trash going to go? I just  
17 added that. And residents who live and work in the  
18 area -- it is a model for responsible disposal of  
19 solid waste and it implemented state-of-the-art  
20 pollution prevention and safety measures.

21 While many alternatives have been  
22 discussed regarding trash disposal, Sunshine Canyon  
23 Landfill still represents the safest, most efficient,  
24 and most cost-effective means of the handling the  
25 disposal needs of the Los Angeles and the whole San

1 Fernando Valley businesses and residences.

2                   The expansion is merely a clean, safe,  
3 and logical continuation of existing land use in a  
4 place where it was needed. And it is a project that  
5 helps the valley, the City, and the County.

6                   In closing, we ask that you support  
7 the proposed expansion of Sunshine Canyon Landfill.  
8 Thank you.

9           CHAIRPERSON CLOKE: Thank you.

10                   Mr. Wayne -- Mr. Wayne Aldelstein,  
11 followed by Mr. Raymond Cote.

12           MR. ADELSTEIN: Good morning, Madam Chair,  
13 Members of the Board. I represent the Northridge-  
14 Porter Ranch Chamber of Commerce. I'm the President,  
15 Chief Executive Officer.

16                   Our Chamber of Commerce, like most  
17 regional business organizations, has been concerned  
18 about waste disposal in Los Angeles County. The lack  
19 of viable new landfills and affordable technologies  
20 to manage waste is troubling to us. And we urge that  
21 greater attention from governmental agencies be given  
22 to this growing problem.

23                   With what appears to be an impending  
24 waste-management crisis, it's critical that we  
25 maximize use of our existing facilities. Sunshine

1 Canyon, which is located near Northridge, has been  
2 approved for expansion subject to the necessary  
3 permits that protect the health and safety of the  
4 community.

5                   That's a daunting responsibility. Our  
6 Chamber believes very strongly that, in the absence  
7 of any compelling evidence, that the recommendations  
8 of your staff are not founded on a sound basis, that  
9 you should approve the recommendations and approve  
10 this matter. Thank you.

11           CHAIRPERSON CLOKE: Thank you, sir.

12                   Mr. Cote, please. Raymond Cote. And  
13 after Mr. Cote, Mr. Ralph Kroy.

14           MR. COTE: Good morning. My name is Raymond  
15 Cote --

16           CHAIRPERSON CLOKE: Oh, I'm sorry.

17           MR. COTE: -- and I live in Granada Hills. In  
18 opening, I ask the Board to reject the proposed WDRs  
19 and deny BFI's request for a permit. The entire  
20 project, including City-County areas, must be treated  
21 and regulated as the single operation that it is.  
22 And a single set of WDRs must be prepared to cover  
23 the whole project.

24                   The proposal before you is one of  
25 incremental approval to avoid the significant impacts

1 of reviewing the project as a whole. The canyon is  
2 one watershed. The owner is one entity. And many of  
3 the systems are now shared or are proposed to be  
4 shared in the near future.

5                 For example, the significant problems  
6 with the subdrain in the County, which have caused  
7 diversion of all the surface water due to pollution,  
8 is collected in the County and discharged into the  
9 City. Groundwater will not stop flowing at the  
10 County line.

11                Since the scope of this operation and  
12 the phasing in of the overall plan is clearly spelled  
13 out in the original EIR, the SEIR, the City approval,  
14 and even the WDR, there is no reason to evaluate the  
15 impacts segment by segment.

16                The moment the first teaspoonful of  
17 trash is put into the City, it automatically triggers  
18 an expansion of dumping in the County. That directly  
19 affects the water-quality issues, redesigning of the  
20 drainage through the County, the necessary removal of  
21 upgradient monitoring wells -- to name only a few.

22                BFI is currently modifying the  
23 conditional-use permit in the County so this  
24 expansion can begin shortly.

25                In testimony before the community, the

1 Regional Board stated, because the two local  
2 enforcement agencies -- namely, the City and County  
3 of Los Angeles -- were not able to review the  
4 applications jointly, BFI decided to first apply for  
5 landfill expansion only within the City.

6 The public wonders, "Why aren't these  
7 two agencies able to review the applications  
8 jointly?"

9 These are the agencies responsible for  
10 oversight. Are they not cooperating? Or are they  
11 really not taking the time or expending the energy to  
12 review the application, as implied in your comments?  
13 These are responsible agencies. How, then, will they  
14 oversee the operation of the landfill?

15 A new set of WDRs that considers the  
16 canyon as a whole must be prepared to evaluate the  
17 true scope and impacts of the project.

18 CHAIRPERSON CLOKE: Thank you, Mr. Cote.

19 MR. COTE: Finally, I'd like to comment on the  
20 health issue. I'm a cancer survivor. Three years  
21 ago, I was diagnosed with cancer. I've lived in the  
22 same home for fifteen years -- pardon me -- eighteen  
23 years, which borders right on the back of O'Melveny  
24 Park.

25 My next-door neighbor, who has been

1 living there many years, has been diagnosed with  
2 cancer, is undergoing treatment right now. My  
3 neighbor across the street died of cancer about five  
4 years ago. So I think that some real thought should  
5 be given to this health issue because it's very, very  
6 important.

7 CHAIRPERSON CLOKE: Thank you.

8 MR. COTE: Thank you.

9 CHAIRPERSON CLOKE: Mr. Kroy, Ralph Kroy. And  
10 then Miss Meg Volk.

11 And remind me to ask you to help us in  
12 watching the time, sir.

13 MR. KROY: Thank you. I'm Ralph Kroy. I'm  
14 speaking in opposition to the extension of the  
15 Sunshine Canyon for the following reasons.

16 One. Let me refer to the responses of  
17 my previous comments. In regards to the response to  
18 my previous comments, Number 2A, where I stated "The  
19 landfill is in one of the of California's most  
20 seismically active areas, the expectation that a thin  
21 plastic liner will survive the onslaught of Mother  
22 Nature's extreme forces is a stretch bordering on  
23 negligent planning," the Board's comment to this was  
24 that the landfill was built to withstand the largest  
25 earthquake that could affect the landfill, regardless

1 of time.

2                   The liner's already leaking, without  
3 an earthquake. The Board's comment is like saying  
4 that the Titanic is unsinkable. The Titanic has a  
5 hole in it and it doesn't -- and so does the liner.

6                   Part of the landfill, the initial  
7 portion, does not even have a liner. How do we  
8 reconcile this? Remember. The Titanic is on the  
9 bottom with a big hole in it. The landfill also has  
10 a big hole in it.

11                   I also stated the landfill is over 200  
12 feet above the largest water treatment plan in the  
13 United States.

14                   The Board's comment was that the  
15 bottom of the reservoir is higher than the local  
16 groundwater table.

17                   The landfill leachate hydraulic head  
18 only has to be above the surface of the reservoir,  
19 not the bottom, to flow into the reservoir. Also to  
20 say that the reservoir's bottom is above the  
21 surrounding groundwater table implies that the  
22 reservoir has no leaks in this seismically active  
23 area.

24                   This brings to question the accuracy  
25 of the comments of the Board.

1                   In regards to the leachates that form  
2   when liquids originating from rain or the waste  
3   itself percolates through the landfill --

4           CHAIRPERSON CLOKE:  Mr. Kroy?  Mr. Kroy, could  
5   I please ask you to conclude.  Have you read all of  
6   your comments?

7           MR. KROY:  No.  These are different.  Thank  
8   you.

9           CHAIRPERSON CLOKE:  We still -- we still need  
10   you to stay within the time frame.  And you're now  
11   over it.  I have a huge stack of cards --

12          MR. KROY:  I understand.

13          CHAIRPERSON CLOKE:  The Board Members need to  
14   be able to ask questions.  We want to hear what you  
15   have to say.  But you have to help us out here.

16          MR. KROY:  So I'm denied speaking.  Thank you.

17          CHAIRPERSON CLOKE:  You are given the same  
18   time as everybody else, sir.

19                   Miss Volk?

20          MS. VOLK:  Yes.  Thank you for letting me  
21   speak.  I'll try to be brief.

22                   The Los Angeles reservoir contains  
23   treated water that is being stored prior to being  
24   delivered to customers during peak demand.  According  
25   to the Department of Water and Power --



1           CHAIRPERSON CLOKE: Excuse me. The audience  
2 is asking that you speak up loudly.

3           MS. VOLK: Okay. Let me start over again.

4                   I'm Meg Volk. I've lived in the area  
5 since 1991. I want to read a brief statement.

6                   The Los Angeles reservoir contains  
7 treated water that is being stored prior to being  
8 delivered to customers during peak demands.  
9 According to the Department of Water and Power in  
10 their publication, DWP's reservoirs are among the few  
11 remaining open distribution reservoirs in California  
12 and the nation that store potable water.

13                  The dangers of open reservoirs cited  
14 by the Department of Health include contamination  
15 from the windblown material that could induce --  
16 introduce harmful elements and, further, today  
17 regulation of turbidity is an important public health  
18 issue since particles suspended in water can shield  
19 these organisms and allow them to escape the effect  
20 of "disinfect ion."

21                  Obviously the blowing trash,  
22 contaminated soil, or other unsuitable materials  
23 creating by land-filling activities will find their  
24 way into the uncovered treatment and reservoir areas.  
25 Trihalomethanes are introduced by the interaction of

1 chlorine with organic material. Chloroform is the  
2 most common THM found in water. "THSR" is a  
3 suspected human carcinogen.

4 Los Angeles reservoir is, according to  
5 City engineers, too large to ever be covered. It  
6 lies downwind of this proposed megadump in a wind  
7 tunnel. It is your responsibility to protect our  
8 water. And our future generations are depending on  
9 you. Please do the right thing and deny this permit.

10 Just as an added note -- do I still  
11 have a second? -- the 1994 earthquake knocked down  
12 walls and chimneys and tossed hundreds of gallons of  
13 water out of our pool. We live a quarter of a mile,  
14 as the crow flies, from this landfill's border. I  
15 cannot believe that these liners will survive that  
16 kind of impact.

17 Also I found a credit card receipt in  
18 O'Melveny Park from a resident in Woodland Hills who  
19 said she had never been to the park. 40-mile-an-hour  
20 winds carries the residue from this dump into our  
21 parks. They will carry it into the reservoir.  
22 Please protect our water resources. Thank you.

23 CHAIRPERSON CLOKE: Thank you very much.  
24 Thank you for helping us out on the time.

25 Mrs. Lu Hooper, followed by Robin --

1 Mrs. Robin Navickas. I hope I've said that  
2 correctly.

3 MS. HOOPER: Good morning. My name is Lu  
4 Hooper. I've lived in the San Fernando Valley all my  
5 life and the last 50 years in Granada Hills. I was  
6 here when the air was clean, the sky was blue, and  
7 you could drink safe good water from the faucet.

8 In spite of assurances that the  
9 groundwater is not only safe but would be drinkable  
10 if Mother Nature had not put in such bad things, my  
11 neighbors and I are worried about the obvious things  
12 that are a result of landfill operation -- a high  
13 level of dichloroethane has been consistently found  
14 at monitoring well MW-10.

15 We understand that this well is under  
16 an order of abatement from this Board. Our concern  
17 is that dichloroethane is embryotoxic with simple  
18 nervous system effects and can cause liver and kidney  
19 damage also. These waste discharge requirements  
20 state that these dangerous constituents are  
21 apparently not travelling off-site. The word  
22 "apparently" does not give us much reassurance.

23 If off-site migration is a possibility  
24 and if you cannot guarantee in writing that this will  
25 never happen, then the use of off-sites wells and

1 properly placed monitoring wells is a necessity. We  
2 also feel that the detection distance between  
3 downgradient wells should be designed close enough  
4 and overlapping to preclude a finger plume from  
5 migrating between wells as can happen through the  
6 work of Dr. Henry Lee (phonetic).

7 This dump affects us financially and  
8 physically. Would you like to live next to a dump?  
9 I'd like to close with this plea from the community:  
10 Please do what you can to preserve some degree of  
11 quality of life for me and my neighbors.

12 CHAIRPERSON CLOKE: Thank you very much for  
13 coming.

14 Miss Navickas? Robin Navickas? Have  
15 I said that correctly?

16 MS. NAVICKAS: Good morning. My name is Robin  
17 Navickas. We've lived in Granada Hills since 1961.  
18 And we've been disappointed at all the --

19 CHAIRPERSON CLOKE: The audience is letting me  
20 know that they're having a little trouble hearing you  
21 as well.

22 MS. NAVICKAS: Oh, okay. I'm sorry. Excuse  
23 me.

24 We've lived -- we've been in Granada  
25 Hills for -- since 1961. And we're very disappointed

1     that the dump has expanded to such a huge dump as it  
2     is now. But in light of the BFI failure to operate  
3     their current landfill in a responsible manner, you  
4     must not approve this project.

5                     The enormous number of violations --  
6     91 -- that has taken place at the site in the past  
7     few years at the County landfill shows the need for  
8     consistent strength of oversight of the landfill.

9                     It is not satisfactory to say that  
10    only a few of the violations were for the water-  
11    quality issue when, in fact, most of the other  
12    directly or indirectly contribute significantly to  
13    water quality.

14                    For example, water violations in the  
15    subdrain are directly connected to the numerous air  
16    violations. Similarly, the violations of the receipt  
17    of untreated medical waste can have a direct effect  
18    on water. You must consider BFI's sorry record.  
19    They are a bad operators. This permit must be  
20    denied.

21                    CHAIRPERSON CLOKE: Thank you.

22                    Miss Navickas followed by -- Francis  
23    Navickas. Fran -- excuse me -- Francis Navickas.  
24    Thank you, sir. Mr. Navickas, followed by Dr. Aller.

25                    MR. NAVICKAS: My name is Francis Navickas.

1                   Members of the Board, I am concerned  
2   that the landfill will contaminate the water that  
3   arrives from the north, via the Balboa inlet tunnel,  
4   owned by the Metropolitan Water District.

5                   When the County Sunshine Canyon  
6   expansion project came before them, the California  
7   State Water Resources Board, made the following  
8   ominous finding -- quote -- "The Metropolitan Water  
9   District of Southern California owns the Balboa inlet  
10  tunnel which conveys untreated municipal water to the  
11  Jensen filtration plant.

12                  "The 14-foot tunnel comes within 500  
13  feet of the eastern boundary of the existing landfill  
14  situated at the south of Sunshine Canyon. The top of  
15  the tunnel, at its shallowest point, lies  
16  approximately 25 feet below the surface. Depths to  
17  ground at that same location is in the order of 10  
18  feet or less.

19                  "Depending on flow rates, the  
20  hydraulic pressure head in the tunnel is  
21  approximately 3 to 19 feet lower than the groundwater  
22  level. Under these conditions, groundwater may seep  
23  into the tunnel" -- unquote.

24                  As you can see from the illustration  
25  attached to my submittal, this is a large tunnel that

1 carries a great deal of water from the north.  
2 According to a consultant geologist, there is a vast  
3 amount of groundwater in this canyon. The presence  
4 of springs, seeps, and wetlands collaborate this  
5 fact. Although the water now travels slowly, because  
6 of the fractures and faults, it will travel out of  
7 the canyon.

8                   The Board also said that, with a  
9 properly designed liner system, the water should be  
10 protected. Since, subsequent to that time, and  
11 barely five years into operations, the liner has  
12 failed. This Board must now require off-site  
13 monitoring wells that will detect problems before  
14 they reach the tunnel.

15                   And, finally, in regard to the cancer  
16 study, which I wasn't contacted nor was my  
17 neighbors -- I "protracted" cancer after living six  
18 years at our present site. Also my next door  
19 neighbor Dr. Dettwiler (phonetic), who formed the  
20 Granada Hills community hospital, contracted cancer  
21 as well as four members of his family came up with  
22 respiratory diseases.

23                   They don't live here now because,  
24 after these years of trying to get something done,  
25 they gave up and said they're going to move as far as

1     they could away and now reside in Alaska.

2             CHAIRPERSON CLOKE:  Thank you, sir.

3                     Dr. Aller?

4             DR. ALLER:  Thank you.  I was going to

5     introduce myself.

6             CHAIRPERSON CLOKE:  I'm actually going to ask

7     you to just hang on one second.

8             DR. ALLER:  Oh.

9             CHAIRPERSON CLOKE:  I wanted to ask

10    Mr. Williams if he was able to stay.  We have a few

11   more cards.

12            MR. WILLIAMS:  Yes.

13            CHAIRPERSON CLOKE:  Thank you.  Okay.

14                    Mr. Aller?

15            DR. ALLER:  Yeah.  My name is --

16            CHAIRPERSON CLOKE:  Dr. Aller.  Sorry.

17            DR. ALLER:  -- Dr. Wayne Aller.  I represent

18   the 500 residents of Knollwood Property Owners

19   Association who live within two miles of the proposed

20   expansion.  Some of the things that I'm going to

21   refer to I've alluded to already in the previous

22   meetings held in June.

23                    But, first of all, I just have to

24   comment on the VICA representative's statement that

25   there are no alternatives to this dump.  That's



1 clearly not true. The Mesquite (phonetic) site, 40  
2 miles from the nearest town of Brawley, where the  
3 unemployment rate is 30 percent and they're dying to  
4 have our garbage, is a very viable long-haul site,  
5 which could be easily implemented with minimal  
6 increase in costs to the residents.

7                   The problem with some of the reports  
8 that we've heard, like Dr. Rangan's report, seem to  
9 indicate that almost there's no reason to do an  
10 epidemiological study. I think that's patently not  
11 true.

12                   First of all, we need to determine  
13 whether there are, in fact, cancer clusters or, I  
14 think, more important -- because you could argue that  
15 cancer might be psychologically or psychosomatically  
16 induced -- are birth-anomaly studies. And there have  
17 been several studies showing birth anomalies, much  
18 higher than what would expect -- .001 probability  
19 near hazardous sites.

20                   There's Harrison's (phonetic) article  
21 in Occupational Environmental Medicine -- 2003  
22 article. There's a lot of research -- Stolz  
23 (phonetic) -- Stolz et al. in "Euro-Haz Com"  
24 (phonetic) study in 1998. Just look at the  
25 "International Journal of Epidemiology," the

1 "Archives of Environmental-Mental" -- "Environmental  
2 Health" -- pardon me -- or the "American Journal of  
3 Public Health." And you'll find many articles  
4 showing that there are increased risks to health when  
5 you look at proximity to landfills.

6 Now a lot of these landfills are  
7 classified as "hazardous." Now, the problem is the  
8 industry knows that about 7 percent of the material  
9 that goes into a nonhazardous Class III landfill is,  
10 in fact, hazardous. That translates into about a  
11 hundred-seventy pounds of hazardous waste that will  
12 go into the new landfill each day.

13 CHAIRPERSON CLOKE: Dr. Aller?

14 DR. ALLER: That's scary.

15 CHAIRPERSON CLOKE: Can I ask you where you  
16 are in your testimony? Because your time is up.

17 DR. ALLER: My time is up?

18 CHAIRPERSON CLOKE: That is true --

19 DR. ALLER: Well, basically the only other  
20 thing I wanted to say is the maximal credible  
21 earthquake standard is really not very convincing  
22 because the "blind-thrust" fault that produced the  
23 Northridge quake was a fault that didn't -- no one  
24 even knew existed.

25 The mountains in back of the landfill

1    have risen over 1,000 feet, according to the  
2    U.S.C.S. -- or U.S.G.S. -- pardon me -- over the  
3    years due to faults. We don't know where these falls  
4    lie. There may be a huge fault that will thrust the  
5    ground up 30 feet as it did in the Prince William  
6    Sound quake of 1964. So we just don't know.

7                    I think it's too hazardous. I think  
8    it's too big a risk. I think the permit should be  
9    denied. We're also conducting -- starting to  
10   conduct --

11           CHAIRPERSON CLOKE: Mr. Aller, you --

12           DR. ALLER: -- conduct an epidemiological  
13   study as part of the --

14           CHAIRPERSON CLOKE: Dr. Aller, please help us  
15   here. We need your help.

16           DR. ALLER: Okay. Thank you. Thank you.

17           CHAIRPERSON CLOKE: We need everybody's help  
18   here.

19                   Miss Kienholz, followed by Mr.  
20   Gottesman. If people will really look at what  
21   they're going to say and help us out here by sticking  
22   to the time limits so that we can actually have some  
23   time to deliberate this today, that will be helpful  
24   to everybody.

25                   Miss Kienholz, are you here?

1                   Followed by Mr. Gottesman. Is he  
2 here?

3                   MS. KIENHOLZ: I'm Mary Anna Kienholz. And I  
4 live in Granada Hills. I have lived there for 35  
5 years. I live between Van Gogh elementary school and  
6 the dump. And I have not spoken to you before. And  
7 I thank you for listening to us today.

8                   The community believes that no one  
9 with a conscience or any measure of foresight would  
10 approve this project. Nevertheless, it has been our  
11 sorry experience to find that approvals are given in  
12 spite of logic and common sense.

13                  What the agencies who are awash in  
14 acronyms refer to as the B-A-C-T, for "Best Available  
15 Current Technology" is really often the C-A-C-T, or  
16 "Cheapest Available Current Technology."

17                  We are requesting a double-synthetic  
18 liner designed to meet or exceed the standards  
19 required for a Class II landfill. And that would  
20 include the entire scope of this approval. The EPA  
21 has stated, first, even the best liner and  
22 leachate-collection system will ultimately fail due  
23 to natural deterioration.

24                  Recent improvements in the municipal  
25 solid-waste-landfill-containment technologies suggest

1 that releases may be delayed by many decades at some  
2 landfills. They further state, once a unit is  
3 closed, the bottom layer of the landfill will  
4 deteriorate over time and consequently will not  
5 prevent leachate transport out of the unit.

6 In spite of the failure of the  
7 subdrain in the County and BFI's own consultant  
8 Geosyntech's (phonetic) acknowledgement that it could  
9 be the result of a torn liner, the highest  
10 proscriptive standard is not proposed for this  
11 landfill.

12 The State Water Resource Control Board  
13 has said that a single-composite-liner system  
14 continues to be an adequate minimum standard.  
15 However, the Board should require a more stringent  
16 design in a case where it determines that the minimum  
17 design will not provide adequate protection to a  
18 given body of groundwater.

19 These more-protective liners can then  
20 be sited for Class III landfills on a site-specific  
21 basis. It is your -- in your power to do so.

22 CHAIRPERSON CLOKE: Thank you very much.

23 MS. KIENHOLZ: I just have one more comment.

24 CHAIRPERSON CLOKE: But your time is up,  
25 ma'am.

1 MS. KIENHOLZ: I've had my three minutes.

2 CHAIRPERSON CLOKE: Mrs. Harris, has she -- is

3 that timer set --

4 MS. NEWMAN: It's set for two minutes.

5 CHAIRPERSON CLOKE: No. Then go ahead and

6 make your last comment.

7 MS. KIENHOLZ: Thank you. I just wanted to

8 add that I was not contacted for a cancer study. My

9 daughter and I both had cancer. And many of my

10 neighbors were not contacted because they have died

11 of cancer. Thank you.

12 CHAIRPERSON CLOKE: I'm very sorry to hear

13 that.

14 Mr. Gottesman, followed by Mr. Carson.

15 MR. GOTTESMAN: Thank you, Madam Chairman and

16 Members of the Board.

17 I would like to request some

18 additional time because I was at the meeting June 18

19 and made comments but they did not -- were not deemed

20 worthy to be either replied to that day or included

21 in the mailing that came out. So my questions that I

22 raised that day were regarding --

23 CHAIRPERSON CLOKE: Three minutes, sir. Three

24 minutes.

25 MR. GOTTESMAN: Three minutes. Thank you very

1 much.

2                   My questions were regarding the  
3 operation of a dump in this location. There are a  
4 lot of people here making comments. I'm reminded of  
5 a film called "Alice's Restaurant," where there was  
6 Arlo Guthrie and he had pictures with circles and  
7 arrows and diagrams and paragraphs on the back and  
8 all this information.

9                   And what it really comes down to is  
10 what makes logical sense here. And you are going to  
11 be hearing a lot of similar things about leachate and  
12 wells and all these other things. But does it really  
13 make sense to place the largest dump in the United  
14 States next to a water-treatment plant?

15                   The question that I raised at the June  
16 18 hearing was one of "Let's say that this does get  
17 approved. Let's talk about the activity of this  
18 becoming a heavy industrial zone."

19                   I have lived in Granada Hills since my  
20 birth in 1957. I brought my family back here to  
21 raise them. And now I'm finding that what was open  
22 spaces, what was zoned "open space" -- and by the  
23 way, I was at all the previous meetings at zoning  
24 commissions and things like that and I found that  
25 comments that people made are oftentimes ignored.

1                   And my question is regarding diesel  
2   exhaust of the bulldozers; diesel exhaust of many,  
3   many trash trucks that will be travelling along  
4   Balboa Boulevard and/or San Fernando Road, which is  
5   within much closer proximity than the one-and-a-half  
6   miles which, by the way, is the front entrance, not  
7   actually the distance between the southwest part of  
8   the dump and where the water-treatment plant is.

9                   I think if you do the crow fly from  
10  that point to the water, you'll find it's a lot  
11  closer than the one-and-a-half miles that keeps  
12  getting mentioned here today.

13                  Diesel exhaust is -- I've never seen a  
14  study -- and I'm glad that there's someone here from  
15  the "OEHHAS" -- I hope I'm saying that correctly --  
16  regarding what is going to happen to the air quality,  
17  where all the particulates -- as you know, there is  
18  no catalytic-converter requirement or any type of  
19  requirement on any of the trash trucks or any of the  
20  bulldozers or the vehicles that are going to be  
21  operating this dump.

22                  This stuff will be in the air. It  
23  will fall down out of the air into open water. I  
24  don't know what will happen to it there. That's just  
25  one issue that I wanted to raise.



1                   Dr. Stratton, I would like to speak  
2   with and Mr. "Cozar" (phonetic). One interesting  
3   thing that they were saying as far as the cancer and  
4   other illnesses -- it's a little too late to find out  
5   studies, epidemiological studies, of how many  
6   illnesses have occurred 10 years from now, 15 years  
7   from now.

8                   "Oh, look. There's starting to be  
9   correlations. Or there's starting to be an issue of  
10  too many illnesses."

11                  The best plan, as any doctor will tell  
12  you, is one of prevention. You don't want to smoke  
13  cigarettes. You don't want to have a cigarette  
14  smoker sitting next to you because you don't want to  
15  breathe what you know is a dangerous chemical.

16                  In this instance, you are putting  
17  something that we know -- if they use trench water as  
18  a way of sprinkling dust to keep it from blowing,  
19  where does that trench water come from? Is it coming  
20  from the drainage that might have chemicals? How  
21  soon after would a well be tested to show that there  
22  is a problem with this water that is being used --

23                  CHAIRPERSON CLOKE: Mr. Gottesman --

24                  MR. GOTTESMAN: -- to control the dust?

25                  CHAIRPERSON CLOKE: The light is red.

1           MR. GOTTESMAN: Okay. Thank you.

2           CHAIRPERSON CLOKE: Thank you. I appreciate  
3 your cooperation.

4           MR. GOTTESMAN: Please vote for a denial of  
5 the permit. Thank you.

6           CHAIRPERSON CLOKE: Mr. Carson, followed by  
7 Ms. Tomlinson.

8           MR. CARSON: My name is Jim Carson.

9           CHAIRPERSON CLOKE: Mr. Carson, could you  
10 wait --

11          MR. CARSON: I --

12          CHAIRPERSON CLOKE: Could you wait one moment?  
13 Our court reporter is changing her paper.

14                    Are you ready? Okay.

15                    Mr. Carson.

16          MR. CARSON: Okay. I worked with you, and I  
17 scratched out some of the stuff I thought had been  
18 covered. I'll go for the throat.

19          CHAIRPERSON CLOKE: Okay. But remember.  
20 We're really watching our time.

21          MR. CARSON: Yeah. As they say in Washington,  
22 "I yield myself such time as I may consume." Work  
23 with me.

24                    It appears the percentage of the  
25 leachate produced at the dump --

1           CHAIRPERSON CLOKE:  You just watch the red  
2   light.

3           MR. CARSON:  -- that happens to be reclaimed  
4   will not necessarily be treated for reuse for dust  
5   control in the landfill.  The joint technical  
6   document states that existing leachate treatments at  
7   the facility may be employed.

8           CHAIRPERSON CLOKE:  Sir.  Sir, we can't even  
9   follow you.  It's just too fast, and the court  
10  reporter can't get your words down.

11          MR. CARSON:  It describes only storing the  
12  leachate reclaimed in tanks in the area of the  
13  leachate facility but does not commit to treatment.  
14  Additionally the JTD states that -- quote -- "Future  
15  treatment systems may utilize drift -- different  
16  treatment processes, including direct sewer  
17  discharge" -- unquote.

18                       Untreated discharge may well have been  
19  the source of the odors experienced by those who  
20  live on Whistler Avenue in Granada Hills -- near my  
21  house.

22                       The only requirement for testing the  
23  contents of the leachate is to take a sample four  
24  times a year.  In the interim between the tests, the  
25  possibility of the conditional -- constituents to

1 change is obvious. "Obvious" -- blah, blah, blah.

2 We need language in the WDRs that  
3 requires that all leachate be processed through a  
4 state-of-the-art leachate-treatment facility before  
5 being discharged for any other use.

6 Now I've lived in the Bee Canyon Park  
7 neighborhood, downwind of Sunshine, for several  
8 years, enduring the periodic stench of rotten eggs,  
9 with my kids attending Van Gogh Elementary. I've sat  
10 on the sidelines of this issue, not really getting  
11 into it.

12 Listening for ten minutes just to  
13 the -- some of the intricacies of the landfill  
14 construction whatever, made me stand up. These  
15 guys -- BFI and friends -- are really a runaway  
16 horse. This is the last chance and you are the only  
17 ones that can rein 'em in.

18 CHAIRPERSON CLOKE: Would you conclude your  
19 remarks please, sir.

20 MR. CARSON: We are on a slippery slope to  
21 environmental disaster.

22 CHAIRPERSON CLOKE: Sir. Sir.

23 MR. CARSON: Put the cabosh on the expansion  
24 plans. Let me finish.

25 CHAIRPERSON CLOKE: Mr. Carson, your time is

1 up.

2 MR. CARSON: Thank you. And God bless you.

3 CHAIRPERSON CLOKE: Mrs. Tomlinson, followed  
4 by Joan Leonard.

5 MS. TOMLINSON: My name is Irene Tomlinson. I  
6 live in Granada Hills -- the Knollwood country club  
7 estates. We've lived there since 1959 -- 44 years.  
8 I oppose the landfill. We've lived through the '71  
9 earthquake from Sylmar, which was just east of the  
10 I-5.

11 And as a result of that earthquake,  
12 they moved the Van Arman (phonetic) lake reservoir  
13 further north because the dam was too close and they  
14 were afraid it would flood the valley. Now, also, in  
15 the 1994 earthquake, which was just west of Granada  
16 Hills, the freeway overpass collapsed. And this is  
17 just at the I-5 just north of the reservoir and east  
18 of the BFI landfill.

19 This is not the place. We would  
20 oppose the landfill even if the reservoir was not in  
21 that close proximity because it doesn't belong in our  
22 backyards. And the people of Granada Hills have been  
23 fighting this for so many years and dying. I mean  
24 it's unbelievable the people that have died. They  
25 moved away because they got cancer. It's all cancer

1 and asthma too.

2 But they love Granada Hills. They  
3 love the community. And we hope you oppose this  
4 'cause you're our last resort. You cannot let this  
5 contaminate the water.

6 The Santa Ana winds come through that  
7 tunnel. And also one other thing that, after the '94  
8 earthquake, there was a report -- I clipped it out of  
9 the paper and I can't find it -- but it was a  
10 research where, via laser beam, they measured the  
11 Santa Ana mountains and it rose and shifted so many  
12 inches, you know. I think -- I'm not sure, exactly  
13 sure of the amount.

14 So please turn this down. And don't  
15 approve it. You're our last -- our last hope. Thank  
16 you.

17 CHAIRPERSON CLOKE: Thank you.

18 Miss Leonard followed by -- we have  
19 two names on one card. So I'll say Mr. Hendricks,  
20 but you can choose which one of you, you want --

21 MS. LEONARD: My name is Joan Leonard. And I  
22 do not live in Granada Hills. I live in Sherman Oaks  
23 near Ventura Boulevard. I hate to tell you how old I  
24 am. But I was born the same year that VICA -- when  
25 they said VICA was formed. So I've lived in the

1 valley for 54 years, always in the south side.

2                   When I was a child, I went up to  
3 Granada Hills to summer camp possibly. I don't  
4 really remember where. It was rural. In 1958, when  
5 they put a landfill where they did, that was a rural  
6 area.

7                   This is -- I feel like we have fallen  
8 down Alice in Wonderland's rabbit hole. This is the  
9 last hearing of many. I've never been to any of  
10 them, but I've been following it for 13 years. This  
11 is absolute insanity. There are alternatives to  
12 putting a -- expanding a landfill that was never  
13 built when it was neighbor -- an area of  
14 neighborhoods.

15                   This is absolute insanity. In the  
16 next 25 years, we are expected to have another 6  
17 million people in Los Angeles County depending on  
18 that water supply. To turn over the controls of  
19 obeying the law to an organization that, as far as I  
20 can see, for the last 13 years has had violation  
21 after violation is crazy.

22                   When this came before the Board -- the  
23 city council in Los Angeles, Mike Feuer (phonetic)  
24 suggested an alternative. And I think that would be  
25 better for all the people in the San Fernando Valley

1 and Los Angeles even if it costs more because we  
2 should not be depending on the cheapest way but the  
3 way that it is best for the environment, for our very  
4 dense city.

5                   We are now the densest city in the  
6 United States. We are going to have to put people  
7 somewhere. It shouldn't be at a landfill. And there  
8 is nowhere else to go. We need alternatives to  
9 landfills. And you should turn down this permit not  
10 just because of the water but because of all the  
11 issues brought up in every single meeting there's  
12 been.

13           CHAIRPERSON CLOKE: Thank you very much.

14                   Mr. Hendricks, are you speaking for  
15 yourself and your family here?

16           MR. HENDRICKS: Yes. I'm here on behalf of  
17 myself and my wife Sue.

18           CHAIRPERSON CLOKE: Great. And after  
19 Mr. Hendricks, Mr. "Laner" -- Mr. "Liner" -- I'm not  
20 sure how to say that. Richard Leyner.

21           UNIDENTIFIED VOICE: Can't hear you.

22           MR. HENDRICKS: Hello, Board. I'll get quick  
23 and to the point. An analyses is in order here. If  
24 you have to get across a river and you have a place  
25 with two bridges, you don't cross on the bridge



1   that's unsafe and the most dangerous.  You walk a  
2   little further and use a bridge that can support you  
3   and your family.  You take the path that presents the  
4   least risk.  That's exactly the situation here.

5                   The location of this dump is the most  
6   risk.  It undeniably presents the greatest threat to  
7   our local water sources simply because it's here.  
8   The open-water filtration plant's across the freeway,  
9   less than a mile from the California aqueduct system.  
10  And it's really close to open-water situations where  
11  debris will come in across it.

12                   So why would either you or the City of  
13  Los Angeles choose the little, the unsafe, the worse  
14  bridge when you can just wait a little bit longer and  
15  they're all -- the alternative sites -- Mesquite  
16  River and Eagle Mountain -- are for real?  The City  
17  supervisors that work up deals -- they are going to  
18  get used.  You just need to get the future now.

19                   Only reason that BFI is promoting this  
20  dump -- and every single time I see one of these  
21  presentations, I think to myself, "Well, gee.  The  
22  EPA says that's not possible."  The EPA says -- and  
23  other studies, you know, by "Perez Lee" (phonetic)  
24  and universities and da-da-da.  And if I gave you a  
25  big whole brochure worth of studies -- say, "Well,

1     that's a lie. I mean, they can't say that."

2                     But, yet, I don't see anybody standing  
3     up here and questioning them and taking them to task,  
4     like, "Why in the heck are you telling them this is  
5     going to last forever when that's not the case?"

6                     So my point, again, to you is to  
7     please review the materials that I gave you. Again,  
8     there are the case studies. And there are the EPA  
9     references that say exactly what I'm telling you here  
10    is that that thing is going to break and eventually  
11    is going to pollute the system -- eventually.

12                    And, yes, eventually Eagle Mountain  
13    and Mesquite is going to do likewise. But those  
14    situations -- you read up on them -- is that they're  
15    much less steeper. They're four and five thousand  
16    acres big. They're set up for a hundred and ten, a  
17    hundred and seventeen years, of something like 27  
18    million tons a day -- and 27,000 tons a day.

19                    By the way, the BFI guy was incorrect.  
20    According to what I read, L.A. City's trash is just  
21    2,000 tons per day, incorporated L.A. --

22                    CHAIRPERSON CLOKE: Mr. Hendricks --

23                    MR. HENDRICKS: -- is 4,000 tons a day.

24                    I'll be done in just a moment. So  
25    what I'm saying is that --

1           CHAIRPERSON CLOKE:  No.  You're done now, sir.

2           MR. HENDRICKS:  Okay.

3           CHAIRPERSON CLOKE:  You're done now.

4           MR. HENDRICKS:  Check your facts, please.

5           Thank you.

6           CHAIRPERSON CLOKE:  Thank you.

7                       J. Richard Leyner followed by Mr.  
8           Simonian, Joel Simonian.

9           MR. LEYNER:  Good afternoon.  And thank you  
10          for inviting us.  I represent the United Chambers of  
11          Commerce of the San Fernando Valley, a consortium of  
12          23 chambers of commerce, 8,000 businesses and  
13          approximately 300,000 people.

14                       I encourage the Regional Water Quality  
15          Council to approve the water discharge requirement  
16          permit for Sunshine Canyon landfill.  After  
17          critically reviewing to ensure that our community  
18          environment is protected, while I understand it is  
19          not within the Board's purview, I ask that the Board  
20          encourage the City of Los Angeles to formulate  
21          reasonable waste-disposal options for the future.

22                       At the moment, landfilling is the only  
23          option.  And at the current rate of waste disposal  
24          by residents and businesses, we will be out of  
25          landfill space before alternatives are in place.

1                   As a business leader in the community,  
2   I cannot afford to watch water -- waste disposal  
3   costs double or triple when we run out of landfill  
4   space. As costs increase, our business will have no  
5   option but to pass these costs on to their customers  
6   who are -- really will have to pay twice for waste  
7   disposal -- once to cover the cost of doing business  
8   and for their homes there also.

9                   Therefore I, as a representative of  
10  this group, request that you approve the permit.  
11  Thank you.

12                  CHAIRPERSON CLOKE: Thank you, sir.

13                  Mr. Simonian, Joel Simonian. Followed  
14  by Mrs. Barbara Iversen.

15                  MR. SIMONIAN: Madam Chair, Board Members: My  
16  name is Joel Simonian. I represent American Waste  
17  Industries. American Waste Industries is currently  
18  one of the largest independent haulers in the City of  
19  Los Angeles. We also currently operate two recycling  
20  facilities, and our primary focus is diverting waste  
21  from the landfill.

22                  However, until there is an alternative  
23  to replacing the landfills completely, we need to  
24  recommend the extension of this permit. American  
25  Waste Industries currently services over 6,000

1 multiple-family complexes in the City of Los Angeles.  
2 These complexes cannot adequately be serviced without  
3 landfill capacity. We have had several instances  
4 where trash is accumulating and being stored at  
5 multifamily complexes because we can't get it out  
6 fast enough upon early closures of the landfill.

7                   We've experienced several instances  
8 where the BFI Sunshine Canyon Landfill has closed  
9 before noon, many times by 9:00 o'clock in the  
10 morning, because they've reached capacity. This is  
11 our experience. We do not know of all of the other  
12 alternatives that this City has planned for the  
13 waste; and once they make that known to us, we could  
14 utilize those alternatives.

15                   But at this point, they haven't been  
16 really made clear to us. So, please, we would like  
17 to emphasize how critical it is to extend this permit  
18 so that we have the last landfill capacity in the  
19 City of Los Angeles. Thank you.

20                   CHAIRPERSON CLOKE: Thank you, sir. Before we  
21 take Mrs. Iversen, I'd like to ask the Board  
22 Members -- Dr. Rangan has to leave; so we might want  
23 to -- what is your wish? We might want to interrupt  
24 testimony to just ask him questions. Are we ready to  
25 go forward?

1                   We're ready to go forward.

2                   Okay. Thank you, Mr. Rangan --

3   Dr. Rangan. Then we'll have Dr. Stratton stand in

4   for you, I guess. Thank you.

5                   Also I'd like to ask Mr. Dave Parikh;

6   is that correct? Have I said that correctly? I

7   understand you have some kind of a presentation.

8   Will you come and talk to our staff about that? It

9   said on your card you have a presentation? Could you

10   come down here and talk to Mr. Dickerson, make sure

11   that your presentation will fit within the two-minute

12   time limit.

13                  Okay, Mrs. Iversen. Thank you for

14   your patience.

15                  MS. IVERSEN: Okay. My name is Barbara

16   Iversen. I'm a long-time resident. And I request

17   that you deny the permit. I'm going to just make two

18   points; so I can be very brief. The July 18

19   summarization of the June 19 meeting and the staff's

20   responses reinforced my impression that all is

21   decided.

22                  My comments that there is no way to

23   control what goes into the dump was countered by the

24   staff's response that -- quote -- "BFI is required to

25   implement a load-checking program at the site to

1 reject unacceptable substances" -- unquote.

2                   Common sense tells us that BFI cannot  
3 possibly control the waste stream in this random  
4 fashion. It's impossible to inspect what people put  
5 into their black trash cans. All kinds of  
6 unacceptable waste is deposited from spent batteries  
7 and other E-waste to pesticides, paints, solvents,  
8 and acids.

9                   Second point: There is no liner or  
10 double liner that will hold up over time given the  
11 geology -- given the geology of the area. To  
12 maintain that faults and thrusts beneath the landfill  
13 are inactive and the active ones skirt its boundaries  
14 is incredible. It's like the old joke that people in  
15 Pasadena would say, "The smog stops at my street."

16                   Over time, poisonous substances will  
17 work their way downhill towards the reservoir and  
18 water-treatment plants. The responses by the staff  
19 to these self-evident truths was tedious technical  
20 jargon hedged by the words that they were relying  
21 on -- quote -- "current research" -- unquote.

22                   CHAIRPERSON CLOKE: Thank you very much,  
23 Mrs. Iversen.

24                   Miss Kim Thompson, please.

25                   MS. THOMPSON: Hi. Thank you for allowing me

1 to speak because I need to leave. And I'm Kim  
2 Thompson. I'm a resident of Granada Hills. Also I'm  
3 Commissioner for the Environmental Affairs  
4 Department.

5 So I'm going to read -- read you  
6 something for a minute on behalf of what I think is  
7 legal. And then I'm going to turn in comments that  
8 are in response to staff's response from the meeting  
9 of June 18.

10 Phase 1 of Unit 2 of the expansion of  
11 Sunshine Canyon Landfill into the City cannot legally  
12 be started until the landfill is closed as is  
13 required in the "Q" conditions imposed by the City,  
14 which state that "evidence of completion of the  
15 appropriate -- approved closure construction in the  
16 areas where new waste will overlies portions of the  
17 inactive landfill in compliance with the closure plan  
18 for the inactive City landfill shall be provided to  
19 the local enforcement agency and approved before  
20 landfill operations are allowed to commence within  
21 such areas.

22 "The maps presented as part of WDRs  
23 show that the requested area overlies a northern  
24 portion of the old inactive City landfill, a part  
25 that has not gone through closure. 'Closure' is a



1 process to protect the public and cannot be  
2 piecemealed into place in order to advance the plans  
3 and profits of a business entity."

4                   Additionally a huge area of the  
5 northern portion of the landfill lies outside of the  
6 legal description of the area formally permitted for  
7 landfilling.

8                   BFI contends that this is virgin land  
9 and that Phase 1 would not need to be properly closed  
10 in order to begin operations. This area, however,  
11 was subject to a curative variance issued by the City  
12 of Los Angeles Zoning Board to cover the violations  
13 that had taken place outside of the permitted  
14 boundaries of the old City landfill when it was  
15 operating.

16                   These violations included trash beyond  
17 the boundaries and under the access roads, an  
18 extensive grading for soil for use as daily cover, et  
19 cetera. Allowing expansion activities to begin at  
20 this time would be in direct conflict with the "Q"  
21 conditions and would be a serious violation.

22                   You must not approve a project that  
23 violates the condition of approval under which the  
24 City made its findings until the conditions are met.

25                   CHAIRPERSON CLOKE: Thank you.

1 MS. THOMPSON: Please deny the permit.

2 CHAIRPERSON CLOKE: Thank you, Miss Thompson.  
3 If you'll give that letter to Miss Harris? Thank  
4 you.

5 Mr. Hecht followed by Miss Mann.

6 MR. HECHT: I'm Allen Hecht. I submitted some  
7 prepared remarks for your perusal. But I got  
8 irritated listening to some of the testimony. And  
9 I'd like to make some other additional comments. And  
10 they're brief.

11 Derek, my neighbor, was stricken by  
12 cancer while a student at U.C.L.A. Derek lived in  
13 our neighborhood since he was four years old. It was  
14 determined that he would not survive another year  
15 when his class would graduate. And he was offered  
16 his diploma without completing his last year.

17 CHAIRPERSON CLOKE: Mr. Bacharowski, would you  
18 like to help Mr. Hecht?

19 MR. HECHT: No. I'm fine.

20 Derek refused it. And he fought his  
21 cancer, and he continued his studies. He graduated  
22 two years later -- magna cum laude -- from U.C.L.A.;  
23 and he passed six months later.

24 My wife is a cancer survivor, having  
25 had bilateral mastectomy. We cannot prove a

1 correlation between the landfill and disease.

2                   So I ask the following questions: Why  
3 is it not surprising that you don't have any  
4 questions of the doctor before he leaves? Why do we  
5 bother to inspect the landfill? Why do we bother  
6 requiring a liner? Why are we here?

7                   Can we open a child care center at the  
8 landfill? Think of the educational value to these  
9 children, learning at an earlier age how to recognize  
10 an incremental EIR.

11                   My apologies for wasting your time.

12                   CHAIRPERSON CLOKE: We appreciate your coming  
13 to testify, sir.

14                   Miss Mann, followed by Mr. Parikh.

15                   MS. MANN: My name is Cherie Mann. Thank you  
16 for the opportunity. I'd just like to preface this  
17 by saying, in the Old Testament, there is no mention  
18 of hell except in a place called -- I think it's  
19 called "Gehenna" or "Geilil" (phonetic). And it is  
20 the trash. It is where they put their dumps.

21                   Water issues are the essence of all  
22 life really. And BFI's dump is located in the County  
23 of L.A. and has had significant problems since 2001  
24 with hydrogen sulfide leaking into the subdrain.  
25 Hydrogen sulfide is flammable and poisonous. And I

1 don't think it's been resolved to date.

2 I'm going to go quickly. 13 acres of  
3 wetlands have been destroyed. The good doctor said  
4 that we must establish cause and effect between  
5 pollutants and health problems. I would say 60-mile-  
6 an-hour winds would be one way to connect the two.

7 The public needs you to help us  
8 protect the environment and our groundwater. It's up  
9 to you really. It's your determination. In 2006, I  
10 suspect, the city council will not renew the contract  
11 for BFI. So it's your assignment, if you choose to  
12 accept it.

13 We have to find an alternative to  
14 trash. It cannot be where the people are. It cannot  
15 be where the water table is or anywhere near it.  
16 Thank you for the opportunity.

17 CHAIRPERSON CLOKE: Thank you, Miss Mann.

18 Mr. Parikh, are we ready? Or should  
19 we call somebody else first?

20 MR. PARIKH: We are ready to speak.

21 CHAIRPERSON CLOKE: Okay. Two minutes, sir.

22 MR. PARIKH: May I ask you? I have never  
23 spoken before. My presentation is already on timer  
24 for two-and-a-half minutes --

25 CHAIRPERSON CLOKE: Fine.

1           MR. PARIKH:  -- if I can.

2           CHAIRPERSON CLOKE:  You're on.  There you go.

3           MR. PARIKH:  Sunshine Canyon -- a disaster

4 waiting to happen.  It is a potential for a negative

5 impact on our water supply.  And I believe it's a

6 huge impact that is there.  Next.

7                        It's located within about one-fourth

8 mile.  I think, when we're talking about

9 "one-and-a-half miles," we are talking from the gate.

10 I'm talking about where the crows can fly that in one

11 fourth.  Here is the map.  And as you can see, it's

12 very close.  Some of the people can probably throw a

13 stone.

14                       Dump is one of the part of the

15 creation.  Then there are bird that fly between the

16 dump.  They see a huge source of food.  Then they see

17 a huge source of water.  I challenge you to find any

18 dump anywhere in the world this close to a filtered-

19 water plant.  I challenge anybody in this room.

20                       Next.

21                       This is just my -- since I do not draw

22 very well, this is my way of representing what

23 happens.  See.  They're coming from everywhere.  Too

24 late.  There are two.  There could be many more.  And

25 can we guarantee there will not be flocks of bird?

1                   And by the way, it has been mentioned  
2   that there have been so many birds, seagulls flying  
3   around there, water can easily be contaminated.

4                   Now, let me tell you about other  
5   things. Dust is another problem. Dust keeps on  
6   flying all over. We are in the vicinity of -- in the  
7   "Old Saugus Pass" (phonetic). And there we have all  
8   kinds of problems relating to dust.

9                   Let's look at the BFI record. It  
10   has -- and I repeat the word -- it has allowed  
11   medical waste, radioactive waste, and other  
12   undesirous material. The record is not very good.

13                  Do you want this type of company who  
14   is not a good corporate citizen? They have had 91  
15   violations in just last two years, not to mention all  
16   the violations they had before.

17                  Do you want to treat water after it's  
18   contaminated? Or would you like to stop it right now  
19   and reject this process? I urge you: Do not let us  
20   be a candidate for Superfund that many of the other  
21   dumps went to. Thank you.

22                  CHAIRPERSON CLOKE: Thank you very much for  
23   your presentation, sir, and especially for your  
24   drawing.

25                  MR. PARIKH: You like the birds, huh?

1           CHAIRPERSON CLOKE:  Yes.

2                       Mr. Olnick, followed by Miss Hecht.

3                       Mr. Michael Olnick?  Is he still here?

4   Okay.  Followed by Miss Dianne Hecht.  Is she still

5   here?  Miss Hecht will be followed by Miss Esther

6   Simmons.

7           MS. HECHT:  Hi.  My name is Dianne Hecht.

8   I've been a resident of Granada Hills for 25 years.

9           UNIDENTIFIED VOICE:  Louder.

10          CHAIRPERSON CLOKE:  They can't hear you

11   either.  I'm glad I'm not the only one.

12          MS. HECHT:  We speak softly, but we carry a

13   big stick.

14          CHAIRPERSON CLOKE:  Absolutely.

15          MS. HECHT:  Watch out for the little ones.

16                       My name is Dianne Hecht.  I've been a

17   resident of Granada Hills for 25 years.  I'm a breast

18   cancer survivor.  The man down the street also died

19   of another kind of cancer as well as Derek across the

20   street, who passed away at 28.

21                       I'm here to talk about the green-waste

22   problems.  And they must not be used as a daily

23   cover.  Ammonia is listed as a constituent of

24   possible concern for the water found at the landfill.

25   The joint technical document describes the use of

1 green waste as daily cover which will allow the green  
2 waste cover to rot for 21 days before it is given  
3 additional cover.

4                   Green waste has caused many problems  
5 in other landfills in this area including Bradley and  
6 Puente Hills. The AQMD has cited these landfills for  
7 numerous violations related to green waste. The use  
8 of green waste instead of cover soil will speed up  
9 and increase the production of leachate, which can  
10 impact the groundwater.

11                   Our area now has more green waste-  
12 proceeding -- I'm sorry -- processing facilities than  
13 any other area in the City of Los Angeles. There's a  
14 huge City green-waste facility next to us on the  
15 MWD-DWP property to the east. A new green-waste  
16 facility has been approved by the County next to the  
17 dump on the north side.

18                   There is another privately owned  
19 green-waste facility adjacent to a local  
20 restaurant -- The Odyssey -- to the southeast.  
21 According to the AQMD, composting facilities emit 6.8  
22 tons of volatile organic compounds and 4.7 tons of  
23 ammonia each and every day.

24                   In comparison, oil refineries emit  
25 only 9 tons a day. Also not to be forgotten --



1           CHAIRPERSON CLOKE: Miss Hecht.

2           MS. HECHT: I have one paragraph.

3           CHAIRPERSON CLOKE: If you could just

4 really -- we'd really appreciate it if you could just

5 summarize it.

6           MS. HECHT: Okay. Pesticides are a part of

7 our everyday green waste and --

8           CHAIRPERSON CLOKE: Thank you.

9           MS. HECHT: -- I guess my time is up. Thank

10 you for listening.

11           CHAIRPERSON CLOKE: Thank you.

12           MS. HECHT: And get away -- and get our dump

13 away from us. Okay?

14           CHAIRPERSON CLOKE: Pardon me?

15           UNIDENTIFIED VOICE: Move the dump away so

16 people --

17           CHAIRPERSON CLOKE: I think we -- I think we

18 know exactly what you want.

19                       Mrs. Simmons. And then our last

20 speaker will be Mrs. Edwards. Esther Simmons,

21 followed by Mary Edwards, last speaker.

22           MS. SIMMONS: Good morning. Thank you for

23 giving us the opportunity. I wonder if I could have

24 my three minutes. I wasn't at the June 18 meeting.

25           CHAIRPERSON CLOKE: Yes.

1           MS. SIMMONS: I'm a resident of Granada Hills.  
2   And I'm co-chair of "LASER." The Daily News tells us  
3   that BFI's district manager Greg "Loning" (phonetic)  
4   says that BFI is prepared to meet the Board's demands  
5   but that homeowners likely will still not be  
6   satisfied.

7                   He goes on to state that we repeat the  
8   same concerns and that they have responded and taken  
9   into consideration our concerns in the environmental  
10  documents and subsequent environmental documents.

11                  Mr. "Lowmain" (phonetic) does not  
12  understand that, firstly, we consistently reiterate  
13  our concerns because we want action as well as  
14  consideration.

15                  Secondly, you and your staff are fully  
16  aware of our concerns and the consequences of their  
17  eventuality, yet you are reticent to implement  
18  stricter measures. You prefer to remain faithful to  
19  minimum state and federal regulations rather than to  
20  work within those regulation to broaden your outlook  
21  and issue a permit that is site specific.

22                  And, thirdly, you have chosen to  
23  believe that, should you implement stricter  
24  protective measures to this landfill, BFI would balk  
25  at and fight the assignation of such measures. It is

1 now public record that BFI, according to Mr. Lowmain,  
2 is prepared to meet the Board's demands.

3                   It is acknowledged here that, should  
4 you fail to demand the utmost protection, that which  
5 is beyond minimum standards, for the safekeeping of  
6 County and State drinking water against the  
7 occurrence of contamination, you will be solely held  
8 accountable. Why? Because BFI has placed that  
9 accountability on your shoulders.

10                   In the response to Comment Number 1,  
11 you write -- and I quote -- "With the protective  
12 measures applied to the landfill -- that is, liner  
13 systems, groundwaters extraction, trench and cutoff  
14 wells -- no pollutants should be released from  
15 landfill to the groundwater basin. If this unlikely  
16 event occurs, groundwater monitoring should provide  
17 early detection" -- unquote.

18                   This unlikely event has occurred in  
19 the County landfill. You have evidence of release of  
20 pollutants with early detection. If you assume that  
21 the above quote would make the homeowners feel  
22 secure, you have assumed wrong.

23                   These protective measures do not  
24 diminish our concerns. Rather they give  
25 reinforcement to the likelihood of this unlikely

1 event. The contamination of subdrain system in the  
2 County landfill suggests that the considerations  
3 given to the construction of that landfill were not  
4 enough. These are the same considerations being  
5 given to the City landfill today.

6                   No one can say for certain the cause  
7 of contamination except its origin is the landfill.  
8 Our protective measure or measures have failed.  
9 Whether it was incompetence at the hands of the  
10 operator or failure to demand additional protective  
11 measures by the permitting agency or just inadequate  
12 systems, the point is we have contamination.

13                   To minimize the occurrence of  
14 pollution, by saying that the concentration of VOCs  
15 is so low that no beneficial use of the water is  
16 impacted, is to deny the likelihood of a more serious  
17 event and that contamination exists at all.

18                   If we are honest with ourselves, the  
19 truth is that Sunshine Canyon should not exist as a  
20 landfill. Common sense dictates that we should  
21 protect our water resources and certainly not leave  
22 them open to risk, let alone intentionally put them  
23 at risk.

24                   We, the members of this community,  
25 have been asked to believe that you and BFI can and

1 will stop any contamination that occurs, that the  
2 measures being taken will protect and preserve the  
3 water we drink. Perhaps these measures --

4 CHAIRPERSON CLOKE: Excuse me, Ms. Simmons.  
5 Can I ask you where you are in your --

6 MS. SIMMONS: I'm at -- I have about four more  
7 sentences.

8 CHAIRPERSON CLOKE: Okay.

9 MS. SIMMONS: We hope not to be disappointed  
10 by your demand that protecting the water under a  
11 hazardous-waste classification for the landfill is  
12 not in the permit, that evidence of pollution will be  
13 the legacy you leave behind.

14 The accountability is entirely yours  
15 because BFI has publicly stated that they are  
16 prepared to meet your demands. And when  
17 contamination occurs, you can be certain that that  
18 will be their defense.

19 CHAIRPERSON CLOKE: Thank you.

20 And our last speaker is Mrs. Mary  
21 Edwards.

22 MS. EDWARDS: Good afternoon. I'm Mary  
23 Edwards. And I've come to a juncture in my life when  
24 I have been fighting this landfill for so many years  
25 and with so much disappointment because everyone says

1   it's not their responsibility.  It's another agency.

2                   And now it's come to the last hearing.

3   And I sit, and I look at these people.  And you don't

4   even want to listen to their three minutes.  These

5   are people that are going to have to live with this

6   their entire lives or die from it.

7                   And how can we say, when it's so

8   logical that you don't put the biggest water

9   treatment facility in the United States next to a

10  megadump, the second only largest dump in the

11  world -- how can we say to put -- these people have

12  lived through earthquakes.  They have watched their

13  houses fall.  They've watched their schools collapse.

14  They've watched the fires on Balboa Boulevard.

15                  This isn't a "hollow seam" (phonetic)

16  fault.  And you know you're not supposed to put it on

17  a "hollow seam" fault.  You know you're not to

18  supposed to put it in a wind tunnel because it's a

19  constant delivery.  This is absolutely the worst.

20  They've already taken down 4,000 oak trees, and

21  there's 500 more in this canyon.  There's a wetlands

22  in this canyon.

23                  There are so many factors that are

24  just intuitively wrong that I could -- I have read

25  the joint technical document.  I have read the waste

1 discharge requirements. And there are things that we  
2 know are fallible there. But when I look at these  
3 people, how can I tell them, "You don't have cancer"?

4 I know. My two children have cancer.  
5 These children are moved out. They wouldn't show up  
6 on Dr. Kozin's study. These are people -- Mary  
7 Ellen's child doesn't live in the area. Mary Ellen  
8 Crosby's child doesn't live in the area. These are  
9 children that are second generation. I've held too  
10 many hands of sick people to think that this is just  
11 anecdotal anymore.

12 And I'm coming to you to say, "There  
13 are alternatives. There are 'MURFs' that are out  
14 there. The City is moving toward that. But as long  
15 as the economic incentive is to put it into cheap  
16 canyon disposal, how will these 'MURFs' ever compete?  
17 We could be recycling." The city --

18 I sit on the mayor's committee for  
19 recycling. We are approached every day with all  
20 kinds of interesting technologies. Plus they're into  
21 this joint agreement with the County now to try to  
22 transfer MURF stations to take the -- to do the long  
23 haul.

24 Won't you get it out of urban  
25 communities? We don't want it in anybody's backyard.

1 It's not just our backyard. And we've always been  
2 saying so. And I looked at the Chamber of Commerce.  
3 And I said, "Business. Business." As it was said in  
4 Dickens, "Mankind is our business."

5 Your business here is to do the right  
6 thing environmentally. And you can. It would be a  
7 hard decision because there are so many economic  
8 pressures on you not to. Your Board has tried really  
9 hard. And.

10 We have recommendations -- in case we  
11 are defeated today, at least our coffin might be a  
12 fancy one -- these are the recommendations of the  
13 North Valley Coalition for changes like double liners  
14 and things like that. And I'll turn them in. Thank  
15 you.

16 CHAIRPERSON CLOKE: Thank you very much.

17 It's very clear to this Board that  
18 feelings are running high. But we really want to  
19 focus on the discussion.

20 And the first thing that I want to do  
21 is to thank everybody who came down today to testify  
22 and to say on behalf of myself and every member of  
23 this Board that we're very sympathetic to any, you  
24 know, member -- any person in the audience who  
25 themselves or a family member or a friend or a



1 neighbor has -- has had some cancerous disease, you  
2 know.

3 We're all human. And it happens in  
4 all of our families. And it's always a tragedy when  
5 it does. And so we extend our sympathies to you.

6 I know that Mr. Williams has to leave.  
7 And so I would like to ask the Board if it would be  
8 all right with them if we took Mr. Williams --  
9 questions for Mr. Williams first.

10 Yes? Is that okay? All right with  
11 everybody?

12 Mr. Williams. Thank you so much for  
13 staying with us to hear all of this.

14 MR. WILLIAMS: Thank you again.

15 CHAIRPERSON CLOKE: We'll start with  
16 Mr. Nahai, please.

17 MR. NAHAI: Yeah. Mr. Williams, I had a  
18 couple of questions for you. And I don't know  
19 whether the answers are within your knowledge, but  
20 I'll pose them to you, in any event. You read a very  
21 clear statement on behalf of Mr. Hahn in opposition  
22 to the WDRs as they are in -- before us at this  
23 point.

24 But I was curious because the staff's  
25 presentation to us recited that the City had actually

1    adopted an ordinance in order to enable this  
2    expansion to go forward.  Do you know anything about  
3    that?  And can you enlighten us as to why it is that,  
4    on the one hand, the City would adopt an express  
5    ordinance and, on the other hand, have such an  
6    eloquently stated opposition on the part of the  
7    mayor?

8               MR. WILLIAMS:  From what I understand, sir,  
9    that ordinance was adopted several years ago.  There  
10   was a different city council, a different mayor at  
11   that time.

12               The mayor's feelings on this have not  
13   changed over the years.  His feelings are close to  
14   the feelings of many of whom you've heard today --  
15   that is, his absolute opposition to the expansion of  
16   the landfill into our community.

17               MR. NAHAI:  Thank you.

18               One other question for you that I  
19   have:  Why is it that the City and the County were  
20   not able to process this jointly so that we could  
21   have a consideration of all of the cumulative impacts  
22   over a period of time rather than being faced right  
23   now with what might be piecemeal regulations?

24               MR. WILLIAMS:  That, I do not know.  It was my  
25   understanding -- and this is -- I hate to sound like

1 a lawyer -- but this is really based upon hearsay --  
2 that it was a decision not from the City or the  
3 County but rather from the applicant. I think it's a  
4 great idea if we were able to be able to have a joint  
5 committee discussion between the City and the County.  
6 But I don't know the exact reasons as to why that has  
7 not occurred at this time.

8 MR. NAHAI: Thank you.

9 CHAIRPERSON CLOKE: Ms. Diamond.

10 VICE-CHAIR DIAMOND: Thank you for being here,  
11 Mr. Williams. It's been mentioned by someone else  
12 today that the City is doing much to decrease trash  
13 and looks forward to the year 2006 where there will  
14 be some plan so that perhaps we won't have as much  
15 trash to travel to a dump.

16 And I'm wondering if you can enlighten  
17 us about what the City is planning to do and what you  
18 think might be occurring by the year 2006 in regards  
19 to trash?

20 MR. WILLIAMS: I would like to reiterate the  
21 mayor's position, again, that he intends not to place  
22 any of the City's refuse into the landfill after  
23 2006, once our current contract is up. We have been  
24 and continue to be and will continue to work on a  
25 number of facets to ensure -- we think the Number 1

1 way to lessen the impact of the landfill is to place  
2 less trash in the landfill.

3 We have a committee of people, many of  
4 whom are members of this committee who are here  
5 today, who have been for the past, I'd say, nine, ten  
6 months determining ways in which the City could  
7 reduce the amount of trash that we have going into  
8 the landfills.

9 We're going to work with our airport.  
10 We just met yesterday on the airport to ensure that  
11 they increase the amount of recycling that they do  
12 there. We're working with our convention center.  
13 We're looking at different technologies to ensure  
14 that we have enough "MURFs," enough "dirty MURFs,"  
15 enough transformational technology that we can use in  
16 the near future to lessen the amount of trash that  
17 goes into our landfills.

18 We're going to work with the Bureau of  
19 Sanitation to ensure that we have multifamily-housing  
20 recycling that occurs. Right now, we really don't  
21 have that within our apartments and condominiums in  
22 our communities. We're going to make a very huge  
23 push to make sure that that happens.

24 You know, with our A.B. 939  
25 requirements here, we have a recycling program in

1 place to work with that. And, finally, we issued an  
2 RFP several months ago and I believe that it's going  
3 to be responded to in just a couple weeks -- sometime  
4 in August -- for new technologies for our refuse and  
5 also to look at new places to place our refuse.

6 Our Number 1 goal here is to reduce  
7 the amount of refuse. Our Number 1.A goal is to  
8 increase the amount of recycling. Again, we've been  
9 working on this. We intend to continue work on this.  
10 We absolutely will not place any trash in that  
11 landfill after 2006.

12 VICE-CHAIR DIAMOND: Thank you very much.

13 CHAIRPERSON CLOKE: Do you have a question?

14 Ms. Buckner?

15 MS. BUCKNER-LEVY: Mr. Williams, I don't have  
16 a question per se for you. I just want to thank you  
17 for being here --

18 CHAIRPERSON CLOKE: People can't hear you.

19 MS. BUCKNER-LEVY: I'm sorry. I just don't  
20 know why. I think I'm loud. Can you hear me now?

21 MR. WILLIAMS: I heard that pretty well.

22 MS. BUCKNER-LEVY: Can you hear me now? It's  
23 like those phone commercials.

24 Thank you for coming. And I myself  
25 am a resident of the San Fernando Valley -- the south

1 end of it. I have a lot of sympathy for folks here  
2 who really have been asking to be heard by downtown  
3 for many, many months. And so I thank all those who  
4 represented the city attorney and also from Greig --  
5 Councilman Smith's office.

6 I'm only disappointed that we don't  
7 have more representation from the City today and  
8 likewise the County and even MWD, as this treatment  
9 facility is operated by MWD. And, further, I just  
10 want to say this is a big issue for me because I  
11 believe that --

12 CHAIRPERSON CLOKE: Julie, they can't hear  
13 you.

14 MS. BUCKNER-LEVY: I can't yell any louder.

15 CHAIRPERSON CLOKE: I have the same problem.

16 MS. BUCKNER-LEVY: Can't yell any louder.

17 I also am disappointed a bit that some  
18 of those -- our friends in the environmental  
19 community who are active at meetings of our Board  
20 regularly are not here today to represent the  
21 interests of the environmental community.

22 This is the San Fernando Valley. But  
23 we also share a watershed and a river with the west  
24 side. And I think these issues, these water-quality  
25 issues, affect all of us. And I just, again, thank

1     you, Mr. Williams, for being here.

2             MR. WILLIAMS:  Thank you.  Thank you.

3             CHAIRPERSON CLOKE:  Mr. Shaheen, do you have  
4     any questions?

5             MR. SHAHEEN:  Yeah.  I just wanted to make  
6     sure that I understood -- I think I understood you  
7     correctly on a few points.  I guess, in addition to  
8     the recycling, which is obviously the biggest  
9     priority, is there would be no renewal of the  
10    existing contract.

11            But you don't see any near-term  
12    issues.  I guess, 2007 and forward, there are a  
13    number of different alternatives for the City in  
14    terms of where the refuse goes, hopefully a smaller  
15    amount of refuse but there are a number of other  
16    alternatives out there.

17            MR. WILLIAMS:  Well, make no mistake about it.  
18    It is a huge issue for us.  The City generates some  
19    3,000 tons of refuse per day, approximately, which  
20    goes into the landfill.  Our Number 1 job, again, is  
21    to reduce that amount.  It is a fiscal issue; but  
22    more importantly, it's an environmental issue for us.

23            We're exploring every opportunity.  
24    The Bureau of Sanitation -- we have a special  
25    commission set up and several analysts who are set up

1 in our office to find a place to place this refuse.  
2 But, again, our emphasis is on recycling and reducing  
3 the amount of trash that goes there. We will have an  
4 answer as to where the trash goes after 2006. We  
5 have no choice but to have to achieve that.

6 CHAIRPERSON CLOKE: Mr. McDonald.

7 MR. McDONALD: Yeah. I just had one question  
8 regarding the facilities you speak about. As far as  
9 waters facilities, one is owned by DWP. Is there a  
10 reason why the mayor hasn't talked to his  
11 commissioners -- are there any opposition from DWP  
12 regarding this permit that we know of?

13 MR. WILLIAMS: We have spoken, not  
14 necessarily -- well, personally I have spoken with  
15 the officials at DWP. I'm not sure what the  
16 commission could or could not do -- our commissioners  
17 over at DWP -- as it relates to this particular  
18 landfill.

19 There are some concerns that we  
20 discussed with DWP. And their input has been the --  
21 their statement which was read today, and I know  
22 previous statements have been read before this Board  
23 and other boards as well.

24 MR. McDONALD: Okay. Thank you.

25 CHAIRPERSON CLOKE: Anybody else have any



1 other questions?

2                   Mr. Williams, can you explain to me  
3 what the City anticipates doing between 2003 and  
4 2006? You're going to continue -- your anticipation  
5 is to continue to use this landfill?

6           MR. WILLIAMS: We have a contract at this  
7 point. So we intend to abide by the terms of the  
8 contract. During the pendency of this contract, we  
9 intend to continue to reduce the amount of trash that  
10 we place into the landfill. At this point we are at  
11 a 50 percent diversion rate. We've stated before  
12 that we're determined to get to 70 percent diversion  
13 rate by the year 2020. We'd like to do that before  
14 then. We are working hard toward that goal.

15                   We are also -- like I said before,  
16 we've issued an RFP, which has been responded to  
17 primarily by a number of organizations which would  
18 help us find a better way to handle our refuse, a  
19 better way so that we're not placing so much into the  
20 landfills and also looking at other locations and  
21 other technologies that could be used to handle the  
22 City's refuse.

23           CHAIRPERSON CLOKE: So are you ahead of  
24 schedule in meeting the assembly bill refuse-  
25 reduction requirements?

1           MR. WILLIAMS: We are right on schedule. I  
2 think that our internal schedule is a little more  
3 stringent than the assembly bill. We really want to  
4 move fast on this. If we don't, I think  
5 environmentally it would be cataclysmic for us. So  
6 we want to do this as quickly as we can and as  
7 carefully as we can to reduce the amount of refuse  
8 that goes into these landfills.

9           CHAIRPERSON CLOKE: Well, thank you very much  
10 and thank you for staying with us all morning.

11          MR. WILLIAMS: Thank you very much.

12          CHAIRPERSON CLOKE: We appreciate your  
13 presence.

14          MR. WILLIAMS: Thank you again.

15          CHAIRPERSON CLOKE: Yeah. We're going to take  
16 a break right now. Our court reporter, our valiant  
17 court reporter, deserves -- has earned another break.  
18 And we'll be back in ten minutes to continue with our  
19 questioning.

20                        So everyone who was here this morning  
21 who testified, if you possibly can, please stay  
22 because we may be calling on many of the people who  
23 testified with questions. Thank you.

24                        (Break: 12:40-1:05 P.M.)

25          CHAIRPERSON CLOKE: We'd like to start this

1 portion of the meeting by asking Mr. Dickerson to  
2 come back to the podium.

3 MR. DICKERSON: And thank you, Madam Chair.  
4 As I indicated earlier, I'm the presenter-in-chief as  
5 opposed to the technical expert-in-chief on this. So  
6 I'll do my best. And I do have help coming.

7 CHAIRPERSON CLOKE: Thank you. We're going to  
8 ask some of our questions of you now so that we can  
9 get clarifications on issues. And then we'll  
10 probably be asking you back up again at the end for  
11 final comments and final questions.

12 So, Mr. McDonald, would you like to  
13 start, please?

14 MR. McDONALD: Yes. Thank you, Madam Chair.

15 Dennis, I just have a few questions.  
16 The young lady last she spoke -- a quasi-  
17 Environmental Commissioner, maybe from the City or  
18 maybe it was --

19 MR. DICKERSON: It was the City of  
20 Los Angeles.

21 MR. McDONALD: -- but she mentioned we were in  
22 violation of a conditional approval permit by the  
23 City of Los Angeles; is that true?

24 MR. DICKERSON: I don't know if that's the  
25 case. I have no knowledge of that.

1           MR. McDONALD: You did not know what she was  
2 speaking about?

3           MR. DICKERSON: No. And if Mr. -- Mr. Nelson  
4 is being sought --

5           MR. BACHAROWSKI: He's coming right now.

6           MR. DICKERSON: He's coming right now?

7                       -- I'm sure he has more knowledge of  
8 that than I do.

9           MR. McDONALD: Okay. Well, we'll address that  
10 of Mr. Nelson when he gets here.

11                       Second of all, I was troubled that --  
12 Mr. Nahai spoke of it to the mayor's  
13 representative -- but why weren't the City and County  
14 jointly, when they were reviewing this permit -- is  
15 that a normal occurrence that we allow the permittee  
16 to do that type of cherry-picking of agencies?

17           MR. DICKERSON: As I understand it -- and my  
18 knowledge is not perfect on this -- and as I related  
19 in my presentation, there was an opportunity for both  
20 the City and the County to a view a joint technical  
21 document for the entire project.

22                       And to the extent that I'm aware --  
23 and I don't have personal knowledge of that -- there  
24 was apparently a -- some decision at some point made  
25 either by the City and County or by BFI to pursue a

1 different tack -- pursuing a single -- or I should  
2 say a Phase 1 as opposed to both phases together.

3 I don't think there's any question  
4 that it would be preferable to have -- if there's a  
5 contemplated activity as to Phase 1 and Phase 2, it  
6 would be preferable to have that together and all be  
7 considered at the same time.

8 MR. McDONALD: So you think they were given  
9 the opportunity? And you're not sure what -- we can  
10 maybe address that to BFI.

11 MR. DICKERSON: Yeah. I don't have personal  
12 knowledge of that.

13 MR. McDONALD: Okay. And one more issue, as  
14 far as the green waste does speed up leaching and  
15 all -- I don't care; any type of landfill, if you  
16 have leaching involved -- what is the most stringent  
17 type of protection mechanism as far as capping our  
18 landfill protection can we prescribe for this type of  
19 landfill? And do we have the most stringent in  
20 place?

21 MR. DICKERSON: So it's a question of whether  
22 or not we would want to have -- for example, we have  
23 the double liner applying to the leachate-collection  
24 area. Are you speaking to the entire landfill and  
25 whether or not it would be appropriate to have double

1 lining there?

2 MR. McDONALD: Is that appropriate?

3 MR. NELSON: Good afternoon. I'm Rod Nelson  
4 with the Landfills Unit with the Regional Board.  
5 And, Mr. McDonald, I'd like to make sure your  
6 question was "What is the most stringent liner for,  
7 like, the entire landfill?"

8 MR. McDONALD: Do we have in place the most  
9 stringent? And is double lining -- is it not -- it's  
10 not required -- but is that appropriate or could that  
11 be appropriate to place in this landfill?

12 MR. NELSON: Excuse me. There's a subtle  
13 difference here that I -- I think a lot of people  
14 aren't aware of. There's no particular reason they  
15 should be. The requirements, both state and federal,  
16 for a Class III landfill are that you have a  
17 composite liner beneath the entire landfill.

18 And by "composite," they do mean a  
19 two-part system. One part is a synthetic flexible  
20 membrane liner. And you've heard the term "HDPE."  
21 It's a very, very, very thick plastic layer like your  
22 trash bag but many, many, many, many more times  
23 thick. It's hard to bend.

24 And then the second part of that  
25 composite-liner system, according to the regulations,

1 is two feet of compacted clay that has a certain  
2 specified permeability. Now, there are things called  
3 "engineered alternatives" that a designer can propose  
4 to meet -- as long as they meet equivalent  
5 performance standards to that which is written in the  
6 regulations, then the regional boards can consider  
7 them.

8                   Now this is called a "composite  
9 liner." It's two parts. When people speak of  
10 "double liner," I think they're speaking of a double  
11 composite liner. Now, both the federal and the state  
12 regulations require, as a minimum for a Class III  
13 landfill like Sunshine Canyon and Puente Hills and  
14 Bradley -- they have a single-composite liner beneath  
15 the entire landfill.

16                   The question is -- is a double-  
17 composite liner appropriate for Sunshine?

18                   We have not required that for any  
19 other landfill in our region beneath the entire  
20 landfill. The State Board and, for the most part,  
21 Regional Board staff feel that a single-composite  
22 liner is appropriate for a Class III landfill.

23                   MR. McDONALD: Thank you.

24                   CHAIRPERSON CLOKE: Mr. McDonald, any more  
25 questions?

1           MR. McDONALD: Yes. I had the one question  
2   that Mr. Dickerson couldn't answer. The  
3   Environmental Commission for the City said that  
4   apparently we're in violation of a conditional-use  
5   permit; is that true?

6           MR. DICKERSON: If we are?

7           MR. NELSON: I'm sorry. Would you repeat  
8   that, please?

9           MR. McDONALD: The permit we're trying to --  
10   that is before us right now is in violation of our  
11   conditional-use permit that the City offered for this  
12   site? I didn't get the gist of her comments because  
13   we kind of sped her up and she's gone to --

14          MR. NELSON: Oh --

15          MR. McDONALD: I was going to ask her the  
16   question herself.

17          MR. NELSON: -- I remember the question. I  
18   didn't -- I don't think I got --

19          MR. NAHAI: Let me clarify. I think the issue  
20   was that, under the permit currently given to the  
21   landfill, that the new permit for an expansion  
22   couldn't be granted --

23          MR. NELSON: Oh.

24          MR. NAHAI: -- until -- until full closure of  
25   the current use. I think that was the thrust of the



1 argument.

2 MR. NELSON: Yes. I remember now. That's  
3 correct. Before BFI could proceed with construction  
4 of the proposed expansion into the City, they would  
5 have to complete closure for the existing City  
6 landfill. That is a requirement. And that's what we  
7 would require also.

8 MR. McDONALD: Okay. Thank you.

9 MR. NAHAI: That -- is that -- has that been  
10 articulated in the permit that's before us? With  
11 what you just said, Mr. Nelson? I didn't see it  
12 in --

13 MR. McDONALD: It's not in there.

14 MR. NELSON: Let me ask Mr. -- Dr. Yang here.  
15 He's a little more familiar than I am with the  
16 specifics.

17 DR. YANG: I'm Wen Yang with the landfill  
18 unit. And I'm the Project Manager of this project.  
19 The WDR, the tentative WDR, does require that  
20 Sunshine Canyon Landfill must complete final closure  
21 within 180 days. It did not require that -- that any  
22 construction, you know, cannot be started until the  
23 closure is completed.

24 However, the portion that is going to  
25 be affected by this requirement are going to be only

1 those portions that are on the slopes of the existing  
2 landfill. For the majority of the permitted or  
3 proposed area, there's no existing landfill final  
4 closures -- final covers. Therefore is not going to  
5 be affected by this requirement.

6 So the construction activity could  
7 start actually at those areas that are not within the  
8 existing footprint of the City Side Landfill.

9 CHAIRPERSON CLOKE: Could you point us to the  
10 place in the permit where this is outlined?

11 DR. YANG: Yes. Yes. It is on Page 12.

12 MR. DICKERSON: It's on Page 6.1-dash-31 at  
13 the top.

14 CHAIRPERSON CLOKE: Mr. Shaheen, are you --

15 MR. SHAHEEN: Yeah. I just -- I had some  
16 additional questions on that. I was kind of  
17 confused. It looks, on that Page 6.1-dash-31 -- it's  
18 "Ap-1" -- that what we said was there is, as regards  
19 to the final closure plan that was approved by the  
20 executive officer in 1997 -- again, somewhere else in  
21 here I'm reading that that was never completed  
22 because of ongoing litigation?

23 DR. YANG: Yes. Correct --

24 MR. SHAHEEN: So I'm trying to understand  
25 if -- why we would even see a permit before us before

1    there was an orderly completion in closure.  I mean  
2    it almost appears to me that they're leveraging this  
3    next phase with the closure of the first phase that  
4    should have been done in the ordinary course.

5                   I'm not sure I understand what the  
6    sequence of events was, but I'm just really surprised  
7    that we would see anything to the effect that they  
8    haven't -- they haven't closed this other phase off  
9    before they're providing us with information  
10   regarding a new phase.

11                   It just troubles me.  And I'm just not  
12   sure what the sequence was.  But it -- maybe it's a  
13   question for BFI, when they come up.  They can maybe  
14   explain that to me.  Maybe I'm just misunderstanding  
15   the sequence.

16           CHAIRPERSON CLOKE:  Mr. Edwards, we'll call on  
17   you in a moment.

18           MR. EDWARDS:  Okay.

19           MR. NELSON:  I will defer to Mr. Edwards in  
20   that case.

21           MR. SHAHEEN:  Okay.  But from your  
22   perspective, there are significant things, obviously,  
23   that we're in disagreement in terms of having the  
24   first closure occur that was approved in 1997.  I  
25   guess there's a falling out over certain elements of

1     that closure that led to the litigation.

2             MR. NELSON:  I believe that's correct.  We do  
3     require here, before they can begin constructing or  
4     placing waste on top of the existing landfill, they  
5     have to complete closure.

6             MR. SHAHEEN:  That works as long as you always  
7     have subsequent phases.  I'm just wondering what  
8     happens at the end if that's disagreement on how to  
9     close it and there aren't subsequent phases.

10            But, anyway, I guess I'll hear more on  
11     that point.

12            I also -- I had a lot of the same  
13     questions, I guess, were raised on the cumulative  
14     impacts with this.  I guess I had more questions than  
15     not, hearing some of the parties and also in terms  
16     of, you know, how the cumulative impacts of multiple  
17     phases would affect the disposal -- I guess the  
18     sewerage discharge capacity was raised before and  
19     also questions that are probably better directed to  
20     BFI in terms of, you know, why this wasn't being  
21     looked at from a cumulative standpoint because, to  
22     me, it just seems that all of the impacts that we've  
23     talked about, you know, should be looked at from a  
24     cumulative standpoint, not phase by phase.

25            But let me just make sure that my

1 concerns are out there at this stage so --

2 CHAIRPERSON CLOKE: Okay. Miss Diamond?

3 VICE-CHAIR DIAMOND: I have a few questions.

4 One is part of the staff report to us is that, under  
5 the health and safety impacts of the land -- under  
6 the staff report of the health and impacts of the  
7 landfill. We are requesting from the -- from OEHHA a  
8 review of the concerns that have been raised to  
9 advise us.

10 And my understanding from this permit  
11 is that we are being advised to issue these WDRs  
12 before we have a review and advice from OEHHA; is  
13 that correct?

14 MR. DICKERSON: We have asked OEHHA to come  
15 here today, as they have. Dr. Stratton represents  
16 the viewpoints of OEHHA. And, in essence, we do not  
17 have a element of our review and permit which deals  
18 with health impacts. And that's why we've asked  
19 OEHHA to come this morning.

20 The point is that health impacts have  
21 been addressed through other forum such as the  
22 Supplemental Environmental Impact Report.

23 VICE-CHAIR DIAMOND: So you're not -- that  
24 helps; my microphone's on now -- is -- you are not  
25 expecting further study or information from OEHHA --

1    OEHHA -- OEHHA that we haven't already received as of  
2    today; is that correct?

3           MR. DICKERSON: That's my understanding.

4           VICE-CHAIR DIAMOND: Okay. I will have some  
5    other questions of them. But I'd like to continue  
6    with a few questions for staff.

7                   The tentative WDR has required a  
8    program of BFI to have a program for remediation of  
9    any contamination. And right now, we don't have that  
10   corrective-action program from them yet. And as I  
11   understand it, once their proposed corrective-action  
12   plan has been evaluated and approved, then they will  
13   be required to implement it. But that is not  
14   something that is before us today.

15                   So we're being asked to accept or  
16   approve tentative WDRs today without this corrective-  
17   action plan in place; is that correct?

18           MR. NELSON: That is correct. However, the  
19   regulations require that, when a landfill is  
20   undergoing a corrective action or they've submitted a  
21   corrective-action program for staff review, staff  
22   brings that program back to the Board and we would  
23   submit it for revision to the existing WDRs to  
24   include the aspects of the corrective-action program.

25                   So we will at some point, whether the

1 tentative WDRs are adopted or not, be back in front  
2 of the Board with a corrective-action program.

3 VICE-CHAIR DIAMOND: Well, wouldn't it be  
4 wiser to wait until we have that?

5 MR. NELSON: Well, I don't know if I can  
6 comment on that in that we -- any of our existing  
7 landfills where we've had a corrective-action program  
8 implemented, we've brought it back to the Board. So  
9 this is just following that procedure.

10 As far as the timing's concerned with  
11 the tentative WDRs would have to be coinciding pretty  
12 closely with the corrective-action program. That's  
13 something unique so far to us.

14 VICE-CHAIR DIAMOND: I have a couple of more  
15 questions. One is, as obviously our interests and  
16 our mission is to protect the water quality, and one  
17 of the things that we, as a board, have been very  
18 interested in is wetlands.

19 And there are almost six acres of  
20 wetlands that will be destroyed as a result of this  
21 landfill. And the WDRs don't specifically tell us  
22 how those are going be mitigated or offset. What is  
23 the plan? Is there a plan for what BFI would do to  
24 restore or to offset or mitigate the loss of six --  
25 at least six acres, not to mention the wetlands that

1 may have already been lost due to the current  
2 operations?

3 MR. DICKERSON: Yes. The upland wetlands  
4 mitigation. It would be part of the Section 401  
5 certification. Current process is for the 401  
6 certification. And I do many of these. These are  
7 reported in the executive officer's report. This is  
8 something which is -- has been designated to the  
9 executive officer for approval.

10 So subsequent to consideration of this  
11 proposed WDR, that matter would come before me for  
12 action based upon -- with a plan and so forth.

13 VICE-CHAIR DIAMOND: Is it always in that  
14 order? When we -- when we issue WDRs when there's a  
15 issue of wetlands or whatever mitigation, does it  
16 always come after the WDRs have been issued? Is  
17 that --

18 MR. DICKERSON: Well, I think, in this  
19 particular case, since my perspective on that was  
20 simply that it wouldn't be appropriate to -- for me  
21 to act on a 401 certification, absent the Board's  
22 direction on the WDR itself.

23 VICE-CHAIR DIAMOND: Okay.

24 I had one more -- well, two more  
25 questions. One is related to the capacity of the



1 sewer system to handle the leachate. That was  
2 brought up by Mr. Kracov, I think, of the city  
3 attorney's office. Is there any plan to test, to  
4 find out or to, you know, to find out from the  
5 appropriate agency whether there is capacity to  
6 handle the additional leachate that would be coming  
7 as a result of this?

8 MR. DICKERSON: Do you have anything specific  
9 on this?

10 MR. NELSON: I have no specifics on it.

11 MR. DICKERSON: Okay. The -- what I just  
12 queried Mr. Nelson on is whether he had any specific  
13 knowledge about that.

14 Currently he does not. The -- the  
15 amount of leachate, in comparison to all other  
16 industrial dischargers, given the size of the -- and  
17 capacity of the system that the City of Los Angeles  
18 operates, we would anticipate that there would not be  
19 a significant additional amount of leachate that the  
20 City could not anticipate.

21 Certainly we've not received any  
22 comment, I believe, specifically from the City  
23 suggesting that that would be the case.

24 Is that correct?

25 Yeah.

1           VICE-CHAIR DIAMOND: And just lastly, part of  
2 your report to us, Mr. Dickerson, was about dioxane.

3           MR. DICKERSON: Yes.

4           VICE-CHAIR DIAMOND: And that was something  
5 new. I don't recall having seen that in the report.

6           MR. DICKERSON: Yes. That is new. And it's  
7 something that just came out. As I noted, we have  
8 sent letters to various landfills asking for an  
9 update on emergent chemical testing.

10                       So the data that we got back, I  
11 believe, was June 23. And that information is  
12 reported in this presentation. The concentrations of  
13 dioxane are indicative of -- well, it's in two  
14 places. It's in the leachate and in the groundwater  
15 monitoring wells. This is downstream or downgradient  
16 would be better of the existing landfill.

17                       And remember. The existing closed  
18 landfill City Side -- City Side --

19           DR. YANG: City Side.

20           MR. DICKERSON: I get them all mixed up. My  
21 apologies.

22                       -- gets -- does have not a liner. And  
23 so because it does not have a liner, one would expect  
24 those kinds of chemicals to be identified.

25           VICE-CHAIR DIAMOND: I just wanted to -- I'm

1 through except I want to go back, just to follow up  
2 your answer to the question about wetlands and you  
3 not wanting to anticipate --

4 MR. DICKERSON: Right.

5 VICE-CHAIR DIAMOND: -- our decision today --  
6 it would seem to me that we should have some report  
7 from BFI about what their recommendations would be.  
8 I've seen that before where anybody who's going to  
9 be -- any discharger who will be affecting wetlands  
10 would come up with a plan to submit that would talk  
11 to us about how they would remediate or offset the  
12 destruction of wetlands. Has that come to you?

13 MR. DICKERSON: And, yes, we do have that.  
14 And it is something that's pending action.

15 VICE-CHAIR DIAMOND: Okay. But we -- but  
16 we -- the Board -- don't know what that is yet?

17 MR. DICKERSON: We've not presented it as part  
18 of this package.

19 VICE-CHAIR DIAMOND: Okay. That's all I have  
20 now.

21 CHAIRPERSON CLOKE: I think I have sort of  
22 three different categories of questions. One has to  
23 do with the permit itself. But the question that's  
24 most important to me and the question I want to ask  
25 first is we've heard an extraordinary number of

1 people speak to us today about cancer in this  
2 community.

3                   And in my years of sitting on this  
4 Board, I don't think that there's ever been that --  
5 that issue raised in connection with a landfill  
6 that -- any other landfill that we've been issued  
7 orders for. And I don't know.

8                   You know, given the number of people  
9 that were present today and the number of people who  
10 live in the community, I don't know how to assess  
11 this information.

12                   But I would like to know if it's  
13 within our authority to request whether it's OEHHA --  
14 I think it's OEHHA -- or whatever is the appropriate  
15 agency to specifically look into this neighborhood  
16 and this community and get back to us with an answer  
17 to that question.

18                   Is there a relationship? And it seems  
19 to me that we need to know that answer before we can  
20 even move on to the questions of the permit because,  
21 if there's a causal -- and I don't know the answer --  
22 but if there's a causal relationship, if there's a  
23 link, then, you know, is there any possibility of  
24 mitigating the permit to a level of protecting  
25 people?

1                   It would be the next question we have  
2   to ask. So I'd like to know from you, Mr. Dickerson,  
3   is it within our authority to make this request?

4           MR. DICKERSON: It's always within our  
5   authority to request another agency to do something.  
6   Whether or not that carries the force of law is, I  
7   think, the real question that you're asking.

8                   And whether or not such a request is  
9   something which is appropriate, given our purview  
10   under the codes that apply for consideration of the  
11   landfill permit, I would have to ask our -- I would  
12   have to ask consideration, perhaps discussion with  
13   legal counsel to assess that.

14                   But let me just emphasize that  
15   certainly I share with you the concern and, you know,  
16   my heart goes out to everyone, you know, raises these  
17   questions about cancer. And we had our testimony  
18   earlier from -- I believe it's Dr. Rangan or  
19   Rangar -- I can't quite remember.

20                   But he was, I thought, quite clear  
21   with regard to the fact that it's very difficult to a  
22   come up with a cause-and-effect relationship. And  
23   how you do the epidemiological study that would  
24   really be substantive and the previous effort that  
25   was made to look at this same issue came up with a,

1 in essence, a rejection of that as being a practical  
2 approach.

3 CHAIRPERSON CLOKE: Nevertheless, there are  
4 studies of this nature that go on, across the  
5 country. And if I -- you know, and if I followed  
6 Dr. Rangan's advice literally, I would have to come  
7 to the conclusion that we haven't got the scientific  
8 ability to make that linkage.

9 And yet we do that repeatedly. We  
10 know different kinds of chemicals cause different  
11 kinds of cancers. We constantly restrict chemical  
12 levels and other levels in our water quality for just  
13 that reason.

14 So, you know, I think we have to make  
15 our best effort here because it's too many people.  
16 It's 35 people testifying today and 50-some people  
17 testifying at the hearing on the 18th. And the  
18 majority of people who spoke, spoke about experiences  
19 in their own families, with their neighbors.

20 They spoke about a street where there  
21 was a, you know -- everybody on the street. Now,  
22 it's possible that there's something else causing  
23 this. I mean I don't know the answer. But I'm not  
24 comfortable -- I'm not comfortable not knowing the  
25 answer.

1                   And so I would really appreciate any  
2   help that staff could give.  Maybe there's a -- to  
3   approach this problem, there might be an opportunity  
4   to, you know, use some funding source that we have to  
5   commission such a study.  OEHHA might be willing to  
6   do it.  Some other state agency, or at least OEHHA,  
7   might be willing to participate in it.

8                   I mean I would leave it to you to  
9   structure the appropriate mechanism.  But I think we  
10  must, in all responsibility, take a look at the  
11  question.

12                  MR. DICKERSON:  You can certainly direct,  
13  through the WDR, a provision to require the EO to  
14  confer with OEHHA; confer with L.A. County Department  
15  of Health Services; the cancer registry at U.S.C.,  
16  for example -- to confer and report back to the Board  
17  on whatever findings we have as to the  
18  appropriateness or capability of additional follow-on  
19  efforts and to direct me to use whatever offices I  
20  can to reach out to those agencies to gain their  
21  support for additional study.  That is something that  
22  could be done.

23                  CHAIRPERSON CLOKE:  And I don't have to do  
24  that through the WDR?  I could -- I wouldn't have --  
25  we wouldn't have to act on the WDR today to say that

1 we needed that information and we were delaying a  
2 decision until we got it? Continuing the matter?

3 MR. DICKERSON: I was -- certainly it's in  
4 your purview to take whatever action is -- you deem  
5 is appropriate.

6 CHAIRPERSON CLOKE: Okay. Okay.

7 And I want to move on to the permit.  
8 And you said that this wetlands -- the mitigation of  
9 the wetlands and both acreage and, I think, habitat  
10 that was created by that wetlands is something that  
11 you would be looking at; is that correct?

12 MR. DICKERSON: Yes. The general provisions  
13 are that you would have a proposal come to the  
14 Regional Board. It would have a multiplier-factor  
15 replacement of wetlands -- it could be 3 to 1,  
16 5 to 1 -- where you get, for every acre impacted, you  
17 get three or five acres being restored at another  
18 location. So that's fairly common.

19 CHAIRPERSON CLOKE: And when you say,  
20 "wetlands," you're obviously including habitat and so  
21 on --

22 MR. DICKERSON: Yes. That's --

23 CHAIRPERSON CLOKE: -- which is they go  
24 together? They're inseparable?

25 MR. DICKERSON: Yes.



1           CHAIRPERSON CLOKE: Now, you said that this  
2 authority was something that the Board had designated  
3 to the executive officer?

4           MR. DICKERSON: No. It's actually something  
5 that the State Water Recourses Control Board has  
6 designated to the executive officer.

7           CHAIRPERSON CLOKE: So if this Board wanted to  
8 understand the wetlands-mitigation plan before acting  
9 on any WDRs, is there an appropriate way to do that?

10          MR. DICKERSON: You have really two options.  
11 I could report to you prior to taking the action and  
12 gain your direction as to how to consider that  
13 matter. It could also be brought before you as an  
14 item for your full consideration.

15          CHAIRPERSON CLOKE: Okay. Thank you. Now  
16 what about the oak tree ordinance? I heard a speaker  
17 today -- I'm sorry; I don't remember the speaker's  
18 name -- say that there were a large -- I'm even  
19 struggling with numbers -- I thought I heard "5,000."

20          MR. NAHAI: She said 4,000 trees and 500 left.

21          CHAIRPERSON CLOKE: 4,000 and only 500 left.  
22 Mr. Nahai is helping me.

23                       Do we have a mitigation for that? I  
24 know there's an oak tree ordinance. And I don't  
25 quite understand how -- how we would proceed on that

1 front.

2 MR. DICKERSON: Let me just make a preface and  
3 I'll have -- Rod will speak to that. I believe the  
4 context was the overall property as opposed to the  
5 limited portion of property that's being addressed in  
6 the proposed tentative. And so it may well be -- and  
7 I don't have the specific numbers -- that a large  
8 number of oak trees were affected by the original  
9 development of the first -- the original -- original  
10 landfill and then the follow-on County landfill.

11 Rod, do you have additional thoughts?

12 MR. NELSON: BFI can be much more explicit.  
13 But I do recall an oak tree permit for the County  
14 when they expanded back in -- we gave them WDRs in  
15 1991. They actually began constructing in '96.

16 I seem to recall their construction --  
17 the construction of the landfill was going to result  
18 in the removal of about 4,000 oak trees. And as a  
19 mitigation measure, I believe BFI had to replace  
20 them on a multiple basis -- I can't remember if it  
21 was 4 to 1 or 5 to 1 or something. They have had  
22 an on-site nursery in response to this permit.

23 But BFI can tell you the specifics of  
24 that permit.

25 CHAIRPERSON CLOKE: Okay. I have two more

1 questions for staff, and then I'm done with my staff  
2 questions.

3 We generally have a condition in many  
4 of our permits about odors, you know, no odors. Do  
5 we have that in this one?

6 MR. DICKERSON: Yes.

7 CHAIRPERSON CLOKE: Could you point me to it,  
8 please.

9 MR. DICKERSON: I read it last night.

10 Yes. It's on Page 6.1-dash-27. It's  
11 Item C-2 -- no -- C-3 --

12 CHAIRPERSON CLOKE: "Cause the occurrence of  
13 objectionable tastes, odors in water"? No.

14 MR. DICKERSON: C-3.

15 CHAIRPERSON CLOKE: I'm sorry. I have no C-3.  
16 Odors --

17 MR. DICKERSON: The prohibition reads as  
18 follows: "Odors, vectors, and other nuisances of  
19 waste origin beyond the limits of the landfill are  
20 prohibited."

21 CHAIRPERSON CLOKE: Okay. And is there -- is  
22 there a mitigation for windborne matter getting into  
23 the reservoir? Is there some way to approach that  
24 problem? That's my last -- one of the last issues  
25 that I had.

1           MR. DICKERSON: I think that would also come  
2 under the provision that I just read 'cause it refers  
3 to the fact that "odors, vectors, and other nuisances  
4 of waste origin are prohibited." That's a blanket  
5 prohibition.

6           CHAIRPERSON CLOKE: Right. I understand that,  
7 but what would be the mechanism for that? What  
8 mechanism keeps --

9           MR. DICKERSON: It would --

10          CHAIRPERSON CLOKE: -- matter from being borne  
11 by the wind?

12          MR. DICKERSON: Well, that would be subject  
13 to, certainly, enforcement by the Regional Board if  
14 it were found to be occurring.

15          CHAIRPERSON CLOKE: But what will BFI do to  
16 stop it from occurring?

17          MR. NELSON: I believe in high -- during  
18 periods of high wind, they are required to move to a  
19 different area -- a lower area in the canyon.

20          CHAIRPERSON CLOKE: And is that in our WDRs?

21          MR. NELSON: No.

22          DR. YANG: No. It is required in the solid-  
23 waste facility permit issued by the Waste Board. And  
24 it's also managed by the City of Los Angeles, the  
25 local enforcement agency, the other one responsible

1 to regulate the daily operations of the landfill.  
2 And all of these operation activities are required  
3 under that permit.

4 CHAIRPERSON CLOKE: Thank you. So at least  
5 for now, that's my questions for staff.

6 Mr. Nahai, questions for staff?

7 MR. NAHAI: Well, let me, first, say it's  
8 evident that a great deal of work went into these  
9 WDRs and a great deal of thought. And I'm sure the  
10 Board really appreciates it -- everything that was  
11 done.

12 But I've got a, you know -- look. I  
13 think today, as a Board, we're confronted with the,  
14 you know, underbelly, the ugly underbelly, of a  
15 societal problem that we all have, which is just the  
16 enormous amounts of trash that we're generating.

17 I mean it's eye opening to think that  
18 we're going -- what we're being asked to do here is  
19 to devote another 84 acres, which, in five years,  
20 having taken in 7.5 million tons of trash in under  
21 five years, its capacity will have been used up.

22 And I understand that, until we muster  
23 the political will to do something about this  
24 incredible amount of trash that we generate -- and I  
25 was delighted to hear Mr. Williams talk about City

1 efforts to do that. But until then, landfill  
2 disposal is the alternative that we have.

3 But having said that, the question  
4 becomes whether these WDRs answer all of the  
5 questions about safety and environmental protection  
6 which is our charge, as a board, to deal with. And  
7 you know I am -- you know, I'm going to listen to BFI  
8 and other questions, but the issue of the cumulative  
9 effects -- this piecemeal -- piecemeal regulation  
10 that we're being asked to undertake -- is something  
11 that truly concerns me.

12 The plume of the dioxane contamination  
13 and the fact that it hasn't been characterized at  
14 this point concerns me. The fact that, you know, the  
15 wetland-offset program still hasn't been really  
16 settled to be in a situation to be provided to the  
17 Board for consideration is another cause for concern.

18 And I share the misgivings and the  
19 questions that the other Board Members have stated  
20 here so far. So, you know, I'll wait to hear the  
21 other questions that are being posed and the  
22 questions to the discharger. But I must say I've got  
23 some reservations as to whether this is time right  
24 now for these WDRs to be adopted at this time.

25 And I think Chairman Cloke's --

1 Chairperson Cloke's questions about the incidence of  
2 cancer in this community -- I mean to hear again and  
3 again and again about neighbors and children and  
4 28-years-olds and people suffering from different  
5 kinds of cancer -- I mean surely that has to tell us  
6 that there may be an incidence of cancer in this  
7 community that's abnormal.

8                   And I was very sorry to hear  
9 Dr. Rangan's testimony to the effect that, you know,  
10 "It's impossible to tell."

11                   We come up with thresholds, as  
12 Chairperson Cloke said. In determining maximum  
13 contaminant levels, we come up with thresholds. This  
14 is where one part per million and two parts per  
15 billion comes from. There is a threshold for  
16 determining the incidence of cancer in human beings.

17                   So I'm surprised to hear that we  
18 cannot take a community that has suffered so from  
19 this horrible illness and at least do them the  
20 courtesy of saying that "We are going to study to see  
21 whether this isn't an abnormal occurrence." So those  
22 are my thoughts for now. But we can talk some more  
23 later.

24                   CHAIRPERSON CLOKE: Thank you. Well, I'm  
25 sure we'll be asking you more questions, as this is

1 obviously very important to the whole Board.

2                   Could we have the representative from

3 BFI? Mr. Edwards, would that be you?

4           MR. EDWARDS: Yes.

5           CHAIRPERSON CLOKE: I think we'll just reverse

6 the order this time and start with Mr. Nahai.

7           MR. NAHAI: Okay. Mr. Edwards, I have just

8 one question to pose to you. You heard the testimony

9 about people asking about the possibility of a double

10 liner. And I know the staff recommendation is that

11 for there to be a double liner but only at the

12 leachate-sump areas.

13                   Is it, from your point of view, cost

14 prohibitive to have a double liner for the entire

15 facility? Or is that something that your company is

16 open to? Or can you provide a response on that issue

17 for us?

18           MR. EDWARDS: Yeah. What I'd like to do is

19 bring up Dr. Ed "Kavajakian" (phonetic) to help me

20 answer that question if I could.

21           CHAIRPERSON CLOKE: Sure.

22           DR. "KAVAJAKIAN": Well, I'm not sure I can

23 speak to the question of whether it's cost

24 prohibitive. I'll have to leave that to BFI. But

25 the issue is whether -- the issue I can address is



1    whether the single-composite liner is adequately  
2    protective of the groundwater.

3                   And out of all the scientific evidence  
4    that's been collected over the last 10 years,  
5    including numerous studies across the country,  
6    indicate that a single-composite liner is  
7    sufficiently protective -- provides more than  
8    adequate protection to groundwater resources from  
9    municipal solid-wastes landfills.

10                   The double-liner systems are only used  
11    in -- well, the double-liner systems are only  
12    required in state and federal regulations for  
13    hazardous-waste landfills. And all of the state and  
14    federal authorities, who have looked at this issue,  
15    have concluded that the single-composite liner is  
16    effective at protecting groundwater resources.

17                   MR. EDWARDS: Yeah. I mean to answer -- you  
18    know, to answer your question directly, there's --  
19    it's, you know, more complicated than just putting a  
20    dollar figure there. There is protection as well as  
21    stability issues that have to be evaluated as part  
22    of, you know, a decision to move towards a double-  
23    liner system.

24                   So we feel that the liner system as  
25    designed is protective and it is also stable, given

1 the seismics conditions that we, you know, we have as  
2 part of our design considerations.

3 MR. NAHAI: I was just wondering if you were  
4 agreeable to having the double liner in certain  
5 areas, you know, whether, you know, what the reason  
6 would be for not expanding that protection to the  
7 rest of the dump. But I take your answer.

8 CHAIRPERSON CLOKE: Any more questions?

9 I'd like you to clear up something  
10 about the process for me. Could you explain how it  
11 came to be that the City and the County -- that the  
12 entire landfill which is, after all, one landfill  
13 under one ownership, et cetera, was not considered as  
14 a whole so that all of the cumulative impacts would  
15 be considered at once? Or were they?

16 I mean how did that -- how did it  
17 happen that it got the Phase 2 suggestion? Or who  
18 wanted it to be phased? And how did that come to --  
19 I'm not used to seeing this.

20 I'm used to seeing Master Plan  
21 Environmental Impact Reports, even in phased  
22 projects. I've never seen the -- what I'm seeing now  
23 in front of me.

24 MR. EDWARDS: All right.

25 CHAIRPERSON CLOKE: I'd like to ask you to

1 explain how it came to be that way, who wanted it to  
2 be that way, what -- you know, what the reasons for  
3 it were. Just help me here.

4 MR. EDWARDS: Okay. Well, the EIR that was  
5 performed for the County operation, which was  
6 approved back in 1993, did -- it did consider the  
7 cumulative impacts of a City-County Landfill, which  
8 obviously would combine both the County operations  
9 today -- a bridged area as well as the 55-million-ton  
10 landfill. So the County EIR did look at the -- the  
11 whole of the action.

12 The City approvals, that were given in  
13 1999, relied upon a subsequent EIR which also  
14 considered the whole of the action.

15 When we received our approvals in  
16 1999, it was contemplated and even presented in the  
17 executive summary of the EIR, that the City only --  
18 the City Side Landfill would proceed separate from a  
19 City-County landfill as we went through what we call  
20 a "Replacement Conditional Use Permit" on the County  
21 side. Okay?

22 So right now, we are in the process of  
23 getting that Replacement Conditional Use Permit. As  
24 part of that, we will also get authorization to have  
25 a single local enforcement agency to manage or

1 inspect the entire site. It's only until after you  
2 get a single joint local enforcement agency that you  
3 can submit a joint technical document for the entire  
4 site.

5                   So for -- going back, it was always  
6 contemplated that we would move forward with a  
7 City-only landfill, as we were proceeding with the  
8 other, with the replacement CUP and the formation of  
9 a joint LEA. Once we had the joint LEA, then we go  
10 in with a joint technical document for the entire  
11 site, which we would submit to the Waste Board as  
12 well as to your Board.

13               CHAIRPERSON CLOKE: And I wanted to ask you --  
14 I'm sure the stories that you're hearing about  
15 illness in the community are as of great concern to  
16 BFI. You don't want to be the responsible party  
17 here. I know that. And I'm sure you also have  
18 human sympathy for these terrible situations.

19                   What would BFI's response be to the  
20 direction of the Board that we get some more  
21 information before we proceed on this -- on this --

22               MR. EDWARDS: Well, what we have to rely upon,  
23 as a developer, is the extensive studies that were  
24 performed as part of our environmental impact report.  
25 The same things that we heard this morning from the

1 State Health person as well as the County were the  
2 same things that were concluded as part of the County  
3 look at health studies in general.

4 So, yeah, we would rely upon those  
5 extensive studies that were done as part of our  
6 approval process, both in 1993 and then recently here  
7 in 1999.

8 CHAIRPERSON CLOKE: Did any -- I didn't go  
9 back and read the record. I read the staff binder,  
10 which I'm sure you have a copy of?

11 MR. EDWARDS: Uh-huh.

12 CHAIRPERSON CLOKE: But in those previous  
13 approval processes, were specific studies done on  
14 this community?

15 MR. EDWARDS: If I could, could I bring Chris  
16 "Funk" (phonetic) up to help me?

17 CHAIRPERSON CLOKE: Please. Please. We need  
18 all the help we can get up here.

19 MR. EDWARDS: Okay. I apologize.

20 CHAIRPERSON CLOKE: Could you say your name,  
21 please.

22 MR. "FUNK": Yes. My name is Chris Funk. And  
23 I'm an attorney for BFI. I've been involved since  
24 1990 -- excuse me -- 1988.

25 With regard to the health issue, I'd

1    like to make a distinction between a general health  
2    study and a cancer-cluster study.  As Dr. Stratton  
3    said, Dr. Wendy Kozin from U.S.C. did, in fact, do a  
4    cancer-cluster study in this area in the early 1990's  
5    with regard to the final EIR for the County landfill  
6    and in 1999 with respect to the subsequent EIR for  
7    the City landfill.

8                   In both instances, they used the  
9    U.S.C. cancer registry, which would be the formal  
10   registry for cancers throughout Southern California.  
11   That's the County registry.  And they indicated that  
12   there was no incidence, no higher incidence, in this  
13   specific area than in the population as a whole,  
14   based upon Dr. Kozin's review of the cancer registry.

15                  One of the problems that I think we  
16   see in an instance like this -- and I have personal  
17   experience in my own family -- is that, taken as a  
18   whole, in a population like Southern California --  
19   more urbanized -- there quite often are cancers that  
20   develop in families at different stages.

21                  And you might have, in any  
22   neighborhood at one time or another, over five or ten  
23   years, a number of cancers affecting a particular  
24   street.  That doesn't mean that that's a higher  
25   incidence overall than what you have in

1 Southern California because it is meted out over  
2 time.

3 And I think that's what Dr. Kozin  
4 found. So there you do have a specific study or two  
5 studies done with respect to this site.

6 The other point on the general health  
7 study that Dr. Papanak discussed was what was  
8 reiterated by Dr. Rangan.

9 And that is, given the highly  
10 emotionally charged situation you find in an area  
11 like this, they feel there is both a sense of bias  
12 that can creep into health studies but also the fact  
13 that it's hard to find cause-and-effect relationships  
14 on general study issues, not on something as specific  
15 as cancer.

16 The cancer-cluster-study issue is  
17 something that's been covered. So I just want to  
18 make that distinction. Dr. Stratton was talking  
19 about Dr. Kozin with very specific findings, negative  
20 as to a cancer cluster, both in 1993 and '99. So it  
21 has been fully covered.

22 CHAIRPERSON CLOKE: Thank you.

23 MR. "FUNK": You're welcome.

24 CHAIRPERSON CLOKE: Don't sit down, Mr.  
25 Edwards. Oh, Mr. Funk?

1           MR. "FUNK": Yes?

2           CHAIRPERSON CLOKE: Could you just come back  
3 up and identify your employer, please, or your firm,  
4 I should say.

5           MR. "FUNK": Yes. I'm with the law firm of  
6 Weston Benshoof from Los Angeles. And, again, we're  
7 representing Browning Ferris Industries on this  
8 matter.

9           CHAIRPERSON CLOKE: Thank you, Mr. Funk.

10          MR. "FUNK": Thank you.

11          CHAIRPERSON CLOKE: Mr. Edwards?

12          MR. EDWARDS: Yes.

13          CHAIRPERSON CLOKE: Ms. Diamond.

14          VICE-CHAIR DIAMOND: I have a couple of  
15 questions for you, Mr. Edwards.

16          MR. EDWARDS: Sure.

17          VICE-CHAIR DIAMOND: You heard Mr. Williams,  
18 from the mayor's office, say that they -- after 2006,  
19 they do not intend to be using the dump where they  
20 now -- where the City now brings its refuse. And I'm  
21 assuming that, between now and 2006, there is still  
22 room in the existing landfill for the City's trash;  
23 is that correct?

24          MR. EDWARDS: Well, on the County side, where  
25 we are operating now, we have roughly four years of



1 life remaining on the County side.

2 VICE-CHAIR DIAMOND: So they have until two --  
3 they can, through 2006, continue to bring their  
4 refuse to where they are currently bringing it?

5 MR. EDWARDS: Yes.

6 VICE-CHAIR DIAMOND: I do have another  
7 question. And that is about the suggestion by some  
8 people there be off-site groundwatering --  
9 groundwater wells. I was -- I read, as all of our  
10 Board Members do, our complete package. And I don't  
11 know who sent it, but there were a number of  
12 technical studies and various studies, academic  
13 studies, sent.

14 And one of 'em was written by a Dr.  
15 Fred Lee (phonetic), in November of 1999, about  
16 landfill liners. And one of the things that he said  
17 was that he recommended off-site groundwatering  
18 wells.

19 And he said -- this, I thought was  
20 very informative to me -- quote -- "The burden of  
21 proof for the reliability of the groundwater-  
22 monitoring system should be on the landfill applicant  
23 and not the public whose groundwater would be  
24 polluted if the arbitrary developed groundwatering-  
25 monitoring systems fail to detect the

1 leachate-polluted groundwater at the points of  
2 compliance."

3                   Basically the study says that the  
4 points-of-compliance wells really don't do what it  
5 takes to find out, if, in fact, there is  
6 contamination; that it would be better, that the  
7 public would be better served, if the groundwatering  
8 wells were also off-site.

9                   And I'd like to know if you have any  
10 objection, if you're granted a permit, to having  
11 groundwatering wells off-site to protect the public.

12                  MR. EDWARDS: Well, as a company, we want to  
13 work with your staff. Right now, the approach has  
14 been that we want monitoring wells as close as  
15 possible to the point source so that we could have  
16 early detection.

17                  But certainly we want to work with  
18 your Board staff on any monitoring program that the  
19 Board feels -- feels comfortable with and will  
20 protect the groundwater.

21                  VICE-CHAIR DIAMOND: That's all I have. Thank  
22 you.

23                  CHAIRPERSON CLOKE: Are we done? Anyone with  
24 questions for Mr. Edwards?

25                  MR. SHAHEEN: Can I just follow up? I guess

1 earlier is -- just give me more collar on the -- why  
2 the unlined portion -- the closure did not take place  
3 previously on that.

4 MR. EDWARDS: Yes. There's a few issues  
5 involved with closure and also proceeding with Phase  
6 1 of Unit 2 landfill. We started the closure process  
7 back in, I believe, it was 1990 or thereabout.

8 We -- there was a very long process in  
9 establishing all of the parameters that both we  
10 wanted as well as the City wanted as well as what the  
11 community wanted to see in those closure plans.

12 We had the closure plan approved in  
13 1999. And we were immediately, as well as the City,  
14 sued by the North Valley Coalition. So there was a  
15 legal action taken against those plans.

16 We went to court. We won in court. I  
17 believe now it's in appeal. Once we were comfortable  
18 with where we were legally, we proceeded with the  
19 closure. And, in fact, we were nearing closure on  
20 the inactive City Side of the landfill. I think  
21 right now all we have left are the wetlands and  
22 streambed issues to deal with.

23 In regards to closure as it relates to  
24 developing the Phase 1 of Unit 2, the "Q" condition  
25 that was referenced earlier is very clear that we are

1 able to proceed with the development of City-only  
2 landfill as long as we do not place trash against the  
3 old landfill until we reach certain performance  
4 standards or a certain amount of time has passed.

5 The design that we have now is in full  
6 compliance with those entitlements and those "Q"  
7 conditions that were referenced earlier.

8 CHAIRPERSON CLOKE: Mr. Pak?

9 Mr. McDonald?

10 MR. McDONALD: Yes. Mr. Edwards --

11 MR. EDWARDS: Yes.

12 MR. McDONALD: -- could you give me more  
13 clarity and, more importantly, a time line on your  
14 joint LEA you mentioned?

15 MR. EDWARDS: Yeah.

16 MR. McDONALD: When do you think you will have  
17 completion on that?

18 MR. EDWARDS: Yeah. You know, the thing about  
19 developing a joint LEA -- it's a very sequential  
20 process. And that's why the City approval's  
21 anticipated a need for us to develop the City-only  
22 landfill. We, right now, are anticipating a  
23 November, or thereabouts, hearing date --

24 MR. McDONALD: This year?

25 MR. EDWARDS: This year. A November hearing

1 date in front of the Regional Planning Commission for  
2 our replacement CUP. We are anticipating roughly  
3 three -- three separate hearings in front of the  
4 Regional Planning Commission, which will take us  
5 through until probably March of the following year.

6 Then, in order for us to -- first of  
7 all, we're anticipating that that decision, you know,  
8 by the Regional Planning Commission will be appealed  
9 to the Board of Supervisors. Okay? So if that's  
10 appealed, it would be a one-month or two-month  
11 period.

12 At that point in time, when we're in  
13 front of the Board of Supervisors, we're anticipating  
14 bringing forward the approval of a joint LEA, which  
15 needs both County Supervisors' approval as well as  
16 the City of L.A. approval. So I would put that off  
17 at --

18 MR. McDONALD: Is that general approval?

19 MR. EDWARDS: Yes. That's correct.

20 So that puts us off, you know,  
21 probably midsummer of next year before we have  
22 approval from the local entities for a joint local  
23 enforcement agent. Then a package has to be prepared  
24 and sent up to the State Integrated Solid Waste Board  
25 for approval of that local enforcement agent which

1     would take, I would guess, three months, maybe four  
2     months to get approval.

3                     So you can see we're off at least  
4     until the -- into next year before we could even  
5     submit a joint technical document, which then takes,  
6     you know, five to six months to get approval on.

7             MR. McDONALD:   Okay.   Thank you.

8             MR. EDWARDS:   Okay.   And just a point there is  
9     that, you know, our capacity demands at Sunshine is  
10    much greater than what we're taking in, as evidenced  
11    by the fact that we close down.   So we're continuing  
12    to consume that capacity that's, right now, you know,  
13    running short.

14            MR. McDONALD:   Thank you.

15            CHAIRPERSON CLOKE:   Any other questions for  
16    Mr. Edwards?

17                     I have one last one, sir.

18            MR. EDWARDS:   Sure.

19            CHAIRPERSON CLOKE:   As you heard Mr. Williams  
20    say that the City intended to not have -- not renew  
21    their contract after 2006 --

22            MR. EDWARDS:   Right.

23            CHAIRPERSON CLOKE:   -- who are the other --  
24    who else uses the landfill?   Who will be your clients  
25    then?

1           MR. EDWARDS: Well, currently, when he talks  
2   about the City of Los Angeles, he's talking about the  
3   Bureau of Sanitation. Okay? The Bureau of  
4   Sanitation brings us roughly 3,500 tons per day of  
5   waste. Okay?

6                   Other -- other people that use our  
7   site include ourself, who's American Waste, who  
8   testified today. It includes several different  
9   independent haulers that collect commercial waste  
10  within the City and the County of Los Angeles.

11                   Right now, as a company, we divert  
12  roughly 2,000 tons a day of waste away from our  
13  facility to other facilities and even out of County  
14  to accommodate the City of L.A. and our other local  
15  customers servicing the County and City of L.A. So  
16  there's a tremendous demand that exists right now  
17  that's over and above the 6,600 tons of day that we  
18  are currently accepting into the County.

19           CHAIRPERSON CLOKE: Thank you.

20           MR. EDWARDS: You're welcome.

21           UNIDENTIFIED VOICE: Chair, I had a question.

22           CHAIRPERSON CLOKE: Who is that?

23           UNIDENTIFIED VOICE: (No audible response.)

24           CHAIRPERSON CLOKE: Oh, I'm sorry. We're done  
25  with the public hearing part.

1                   Board Members, it's my sense of the  
2 Board that we have so many questions that we're going  
3 to want to continue this matter until we get this  
4 information. And I'm, first of all, wondering if  
5 I'm -- if that's correct. And if it is, I'm going to  
6 suggest that we have a motion for continuance and  
7 then that each Board Member list the things that they  
8 feel they need more information and clarity on.

9                   So I'd like to have the Board's  
10 response to that proposal.

11           MR. McDONALD: Is that a motion?

12           VICE-CHAIR DIAMOND: Are you moving that?

13           CHAIRPERSON CLOKE: I want everyone's consent,  
14 please.

15           VICE-CHAIR DIAMOND: Yeah.

16           MR. McDONALD: If you make that a motion.

17           CHAIRPERSON CLOKE: So I will move for a  
18 continuance on this matter.

19           MS. BUCKNER-LEVY: Can we have our -- Mr. Sams  
20 is there.

21           MR. SAMS: I think you have a housekeeping  
22 matter. The items that were submitted today -- you  
23 should rule on their admissibility before you  
24 continue.

25           CHAIRPERSON CLOKE: Okay.



1           MR. SAMS:  You don't want to have that issue  
2 hanging fire.

3           CHAIRPERSON CLOKE:  Okay.  Could you --  
4                               Pardon me?

5           MR. NAHAI:  I was --

6           CHAIRPERSON CLOKE:  We can continue it and  
7 then do that then.

8           MR. NAHAI:  If we continue it --

9           CHAIRPERSON CLOKE:  Right.

10          MR. NAHAI:  -- will it matter?  Because it  
11 certainly would have --

12          MR. SAMS:  Well, my sense is what you're  
13 trying to do is to focus your continued hearing so  
14 that you don't go reopen to hear things that you've  
15 heard before.  That being the case, this would be  
16 something that you probably ought to take care of  
17 now.

18          CHAIRPERSON CLOKE:  Could you just remind us  
19 what those two -- what the two documents are we  
20 received.

21          MR. SAMS:  There is -- Ronji has them there.  
22 She's segregated them.  One is the letter from --

23          MS. HARRIS:  Kim Thompson.

24          CHAIRPERSON CLOKE:  Kim Thompson.

25          MR. SAMS:  Okay.  The other's a packet --

1           MS. HARRIS:  There was a gentleman right  
2   there.  I don't have his name on the document.

3           MR. DICKERSON:  Yeah.  Madam Chair, we  
4   received several documents that were not incorporated  
5   into the record because they were submitted after the  
6   date.  If you accept -- if you wish to accept any of  
7   the records today, I'd appreciate being able to  
8   incorporate these letters we received but are not  
9   here today.

10          CHAIRPERSON CLOKE:  Okay.  Board Members,  
11   what's your --

12          MR. NAHAI:  Well, let me ask if they're --

13          CHAIRPERSON CLOKE:  Put your mike on.

14          MR. NAHAI:  -- if they're submitted late --  
15   right? -- beyond the cutoff date and we don't have a  
16   motion on the part of the person submitting them to  
17   the Board to accept them into the record, do we have  
18   to -- I mean aren't they just rendered "Unaccepted"  
19   by virtue of their late delivery?

20          MR. SAMS:  I think the problem that you have  
21   is that they are now in the possession of the Board.

22          CHAIRPERSON CLOKE:  No.  Those are -- those  
23   are those two.

24          MR. SAMS:  Right.

25          CHAIRPERSON CLOKE:  But Mr. Dickerson is

1     referencing others.

2             MR. SAMS:   Right.   So you probably should have  
3     an indication at this point because, if this happens  
4     to be reviewed by the State Board, you want to have a  
5     clear decision made here.   That helped you a great  
6     deal in the Whittier Narrows case, where you were  
7     very explicit in rejecting what was tendered to you.

8             CHAIRPERSON CLOKE:   Okay.   So -- thank you,  
9     Mr. Sams.

10            Can we have a motion on late  
11   submittal?   Do you want me to make it?   Is it a  
12   motion or it is just --

13            Late submittals will not be accepted.

14            VICE-CHAIR DIAMOND:   A motion to be seconded?

15            CHAIRPERSON CLOKE:   No.   That was a -- that  
16   was -- I didn't need a motion for that.

17            And I have moved for a continuance.

18            MR. McDONALD:   Second.

19            CHAIRPERSON CLOKE:   Mr. McDonald has seconded  
20   it.

21            All those in favor, please say, "Aye."

22            BOARD MEMBER VOICES:   Aye.

23            CHAIRPERSON CLOKE:   Now I'd like to ask that  
24   every Board Member say what their concerns are and we  
25   get some sense of how to shape this.

1           MR. NAHAI: Okay. I think we also need to  
2 provide staff with some guidance as to when we're  
3 continuing it to.

4           CHAIRPERSON CLOKE: Well, I think we can only  
5 do that after we have a -- that's why I didn't start  
6 out with a motion. That's why I started out with  
7 discussion because I think we have to have  
8 Mr. Dickerson up there. He needs to know what  
9 information he wants and give us a sense of what --  
10 how long it's going to take and so on and so forth.

11          MR. NAHAI: We'll get consensus and input.

12          CHAIRPERSON CLOKE: Mr. Dickerson, you want to  
13 come stand at the podium, please?

14          MR. NAHAI: I think technically we have to  
15 have a motion. We're --

16          CHAIRPERSON CLOKE: Right.

17          MR. NAHAI: -- discussing it now.

18          CHAIRPERSON CLOKE: Right.

19          MR. NAHAI: And then we'll have it seconded  
20 and then a vote, once we put some flesh on it.

21          CHAIRPERSON CLOKE: Well, we know we're going  
22 to -- yeah.

23                       Please. Go ahead.

24          MR. NAHAI: Dennis, I think for me, the  
25 important things are that I would like to see those

1 cluster studies, you know, as part of our Board  
2 package so that the issue of the incidence of cancer  
3 in the community is considered by us as part of our  
4 consideration of water-quality issues.

5                   Secondly, I think we must have a much  
6 better idea of the cumulative impacts of the entire  
7 contemplated project so that we don't -- we're not  
8 put in a position of studying only the -- only the  
9 City side.

10                   I would like to know what the  
11 wetlands-offset program is. And I would like to see  
12 better analysis of the wind tunnel effects and just  
13 what exactly happens with respect to the aerial  
14 transportation of material from the landfill.

15                   I would like to see the dioxane plume  
16 characterized and the results of that study that's  
17 ongoing.

18                   I'd like to have more clarification  
19 about sewer capacity and the ability of the sewer  
20 system to accept the leachate. And I would like to  
21 see a much more clear statement in the WDR as to, you  
22 know, the satisfaction of preconditions such as the  
23 full closure of the existing landfill.

24                   And, finally, the 401 certification  
25 process -- I'd like to have clarification as to how

1 the 401 certification process is going to work --  
2 what the time lines are going to be. I'd like to  
3 have much more information about that. And that's my  
4 little list.

5 CHAIRPERSON CLOKE: I think that you're going  
6 to find there's a lot of similarities in the lists,  
7 but maybe some of us have different or other ways,  
8 other, you know, different parts of it that need to  
9 be discussed.

10 I'm very concerned about what it means  
11 to deal with one phase of what's an overall project.  
12 I don't, really don't, understand the process by  
13 which one does that. As I said, I understand "Master  
14 Plan EIRs" and "phased development" and could  
15 understand and support that.

16 But to just take the impacts of one  
17 phase does not -- I really don't understand the  
18 legality of that. I don't understand it from the  
19 common sense point of view because this is something  
20 that is really one unit and the phasing are arbitrary  
21 lines. And we have to deal with the reality of what  
22 happens on the ground, especially with water.

23 I also would like to see incorporated  
24 into our WDRs, to whatever extent is appropriate --  
25 and I don't know the answer to this -- whether or not

1 BFI can participate and support the whole concept of  
2 trash reduction in the City of Los Angeles.

3 Is that an appropriate mitigation?

4 I'd like to look at that issue.

5 I want to look at the question of this  
6 date of 2006 and how our -- that the City has  
7 established and how our permit would mesh with that  
8 date because we may be looking at different  
9 quantities or we definitely will be looking at  
10 different quantities of trash.

11 There may be different mitigations. I  
12 don't know the answers to any of that. Before any  
13 certification letter was issued and before we issued  
14 any WDRs, I'd like to understand and see the whole  
15 wetlands-mitigation plan, including a multiplier of  
16 acreage and habitat. I'd like to know what the oak  
17 tree mitigation was or is.

18 Of course, I want to know the other  
19 issues that David referenced about sewers and odors  
20 and wind and so on. And those are all permit-related  
21 questions.

22 And then what's most important to me,  
23 even before we get to the permit-related questions,  
24 is that we actually look specifically at this area on  
25 this cancer question because we -- until we actually

1 have people investigating in the neighborhood, we  
2 won't know why it was that they didn't show up in the  
3 cancer clusters.

4 We won't know whether, you know, only  
5 a certain very small, you know -- maybe this is the  
6 total population of people who have suffered these  
7 tragedies and no one else in the entire area has.  
8 And we won't know that unless we ask the questions,  
9 which is -- I think Mr. Funk or Mr. Edwards suggested  
10 the possibility of that.

11 So these are all issues that have to  
12 be answered. And I'd look to staff for the best way  
13 to answer these questions.

14 I was not satisfied with the, you  
15 know, with the testimony this morning. I appreciated  
16 Dr. "Statton" coming -- Stratton coming and what I  
17 learned from him. But it wasn't helpful to hear from  
18 one of the other testifiers that "This is not  
19 something that can be researched" because I've read  
20 too many instances where it has been researched.

21 Those are my directions to staff. And  
22 I also want to say to you, as I said at the -- after  
23 the hearing that we have, that I think, given the  
24 task that was assigned to staff, staff has done a  
25 really excellent job on these WDRs.



1                   These are some of the, you know,  
2   best-written, most carefully worked-up through. And  
3   I just want to say that all of these questions that I  
4   have are not because I don't appreciate the work that  
5   staff has done but because I think that there are  
6   other questions that are bigger-picture questions.

7                   And that's why we have a board because  
8   the Board has to look at a much larger field than  
9   staff. And staff has very specific tasks that are  
10  its requirement. So I don't want this to, in any --  
11  I don't want anybody on staff to think that I don't  
12  appreciate the tremendous work that's gone into this  
13  permit.

14                  But I think that, as a policy-making  
15  and voting body, we would be remiss to move something  
16  on to any other level until we had these questions  
17  answered.

18                  VICE-CHAIR DIAMOND: I have a few things to  
19  add. I won't repeat what my other Board Members just  
20  said, although I'm in agreement with all of them.

21                  I think it was at our last meeting  
22  that our Board voted, because of very important  
23  public health issues, to suspend the designation for  
24  some water bodies because of the high-flow concrete  
25  channels that were a direct threat to public health,

1 to the safety and health of many people who might  
2 actually die or be severely injured.

3 And I think that is really is what  
4 before us today is that the public health has always  
5 got to come first with us, even though our mission is  
6 water-quality related.

7 And so therefore today I also believe  
8 that we need to get information not only about the  
9 cancer cluster that may or may not exist in that  
10 community but the perception by people there clearly  
11 is that they are getting sick because of living close  
12 to this landfill.

13 Other things that I'm concerned about  
14 and would like to find out about -- what about the  
15 children? What kind of birth abnormalities are we  
16 seeing there? Are there birth abnormalities? Are  
17 there very low-weight children? What about the  
18 incidence of miscarriages?

19 Those are things -- and respiratory  
20 illness -- that I think we should find out about in  
21 the neighborhoods adjacent to this plan.

22 I'm also concerned about the WDRs  
23 remediation plan. I would like the corrective plan,  
24 the corrective-action plan, for BFI to be very  
25 specific, not before the WDRs are issued. But if and

1 when they are issued, we need to know what that  
2 remediation is going to be as well as we need to know  
3 what the sewer capacity is.

4 And we need to get letters or some  
5 kind of indication from the appropriate agencies --  
6 whether it's County San or the Bureau of  
7 Sanitation -- whether, in fact, they can take that  
8 sewage capacity, additional sewage capacity.

9 I guess I would like to also say that  
10 I really want to thank all the people for coming out  
11 here and again want to echo our Chair that we are  
12 really an independent body. I'm sorry that the City  
13 of Los Angeles did not send more representatives --  
14 and the city council members, particularly in the  
15 valley.

16 I am very happy that the city attorney  
17 and the City -- the mayor was here. But truly there  
18 is more that the City can do. I mean we are the last  
19 hurdle. But it is not the last thing that can be  
20 done. The City could look into whether there is  
21 something that they can do now -- between now and  
22 2006. That's not for us to do. It's not for staff.

23 But I really feel that, before we can  
24 go ahead, we really need to have more information. I  
25 also would want the WDRs to include ground-monitoring

1 wells off-site so that we get some very good  
2 information before this comes back to us.

3                   And the wetland mitigation -- I would  
4 like to know not only how many wetlands will be hurt  
5 but if there's any way of knowing how many wetlands  
6 have already been damaged or lost due to the current  
7 on-site dump that is already there.

8                   That's all I have right now.

9           MS. BUCKNER-LEVY: I think my colleagues have  
10 done a rather good job of itemizing their issues of  
11 concern.

12                   And I won't list an additional one but  
13 only an embellishment of one that's been suggested by  
14 Members Cloke and Nahai, which is to have the  
15 independent testimony of further academic and medical  
16 experts. I'd really like to have the input of the  
17 Dr. Kozin rather than have her reports and her  
18 studies characterized for us.

19                   I would really appreciate Mr. --  
20 excuse me -- rather Dr. Kozin, Wendy Kozin, either  
21 submitting, in writing to us or appearing at our next  
22 meeting, further information regarding the research  
23 she's done. I'm familiar with her work; and I'd love  
24 to hear her wisdom on this.

25           MR. SHAHEEN: Yeah. I, as well, will not try

1 and repeat a lot of things that were said. But I'm  
2 in agreement with the additional things that people  
3 have asked for.

4 I think the only other things I'd  
5 add -- I mean I'd certainly be interested with the  
6 airborne issues, understanding more of the view of  
7 the Metropolitan Water District or the managers of  
8 that reservoir which, again, is an important critical  
9 resource and what their view is on the impacts.

10 And then, you know, I certainly don't  
11 have the expertise in this. But I mean, from what I  
12 understand, the geologist was employed to provide  
13 data on earthquake risk in that region, and that was  
14 reviewed by staff.

15 I mean, intuitively, I'm just confused  
16 because I know the image that has happened to the  
17 surrounding areas through the previous earthquakes.  
18 And it would certainly useful to me to understand if  
19 that data's corroborated by other geologists or if  
20 there's a difference of opinion among experts in  
21 terms of what the earthquake risk is.

22 But otherwise I completely agree what  
23 the points that were raised by everybody else.

24 MR. McDONALD: Thank you. Just to finish up,  
25 Dennis, I would just like to hear more from DWP and

1 Metropolitan Water District. They are charged with  
2 water quality. And they're buffers against this  
3 landfill. And that was mentioned quite a bit --  
4 about how that affects their facilities. I would  
5 like to hear from them personally. That's it.

6 CHAIRPERSON CLOKE: Okay. Don't look at me  
7 like that.

8 I would have liked to have been able  
9 to say today, you know, a date for all of this. But  
10 Mr. Sams has just spoken to Dr. Stratton. And I  
11 think it's going to take some time to work out the  
12 date.

13 And so what I'd like to suggest -- if  
14 you agree, Mr. Dickerson -- is that, at next month's  
15 meeting, you give us a status report and give us a  
16 time line on when we might reasonably expect to have  
17 the various pieces of the information that we've  
18 asked for. And we wanted -- you know, we want to do  
19 this with a, you know, deliberate speed but and with  
20 care.

21 MR. DICKERSON: I appreciate the opportunity  
22 to be able to report back to the Board next time  
23 after having a chance to confer with staff and  
24 Dr. Stratton and BFI and anyone else who I need to  
25 confer with, which I think there will be many.

1           CHAIRPERSON CLOKE: Thank you, Mr. Dickerson.  
2                   And I could have a motion for  
3 adjournment, please.  
4           MR. McDONALD: So moved.  
5           MR. SHAHEEN: Second.  
6           CHAIRPERSON CLOKE: All those in favor?  
7           BOARD MEMBER VOICES: Aye.  
8           CHAIRPERSON CLOKE: And this meeting is hereby  
9 adjourned.  
10           (Proceedings concluded at 2:13 P.M.)  
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1 STATE OF CALIFORNIA )  
 ) Ss.  
2 COUNTY OF LOS ANGELES )  
3

4 I, NEALY KENDRICK, CSR No. 11265, do hereby  
5 certify:

6 That the foregoing transcript of proceedings  
7 was taken before me at the time and place therein set  
8 forth and thereafter transcribed by computer under my  
9 direction and supervision, and I hereby certify that,  
10 to the best of my ability, the foregoing transcript  
11 of proceedings is a full, true, and correct  
12 transcript of the proceedings.

13 I further certify that I am neither counsel  
14 for nor related to any party to said action nor in  
15 anywise interested in the outcome thereof.

16 IN WITNESS WHEREOF, I have hereunto subscribed  
17 my name this 10th day of August, 2003.

18

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\_\_\_\_\_  
NEALY KENDRICK, CSR NO. 11265

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